

Am **JOURNAL** *Yates*

OF THE

SENATE

OF THE

COMMONWEALTH OF KENTUCKY.

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MONDAY THE
FOURTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD 1826,
AND OF THE COMMONWEALTH THE THIRTY-SIXTH.

FRANKFORT:

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JOURNAL OF THE SENATE.

AT a General Assembly begun and held for the State of Kentucky, in the Town of Frankfort, on Monday the fourth day of December, in the year of our Lord one thousand eight hundred and twenty-six, and in the thirty-sixth year of the Commonwealth:

It being the day appointed by law, for the annual meeting of the General Assembly, Robert B. M'AFEE, Lieutenant-Governor, appeared and took the chair, and the following members of the Senate appeared and took their seats, to-wit: From the counties of Cumberland and Monroe, William Wood; from the county of Berren, Joel Yancey; from the counties of Allen and Warren and part of Edmonson, Johnson J. Cockerill; from the counties of Logan and Simpson, Thomas S. Slaughter; from the counties of Butler, Grayson and Muhlenburg and a part of Edmonson, William Cunningham; from the counties of Hopkins, Henderson and Union, Francis Lockett; from the counties of Hickman, Calloway, Graves, M'Cracken, Livingston and Caldwell, Dickson Given; from the counties of Ohio, Daviess and Breckinridge, Robert Stephens; from the counties of Green, Hart and a part of Edmonson, James Allen; from the counties of Hardin, Meade and Bullitt, James Crutcher; from the counties of Jefferson and Oldham, John Hughes; from the county of Henry, Charles H. Allen; from the county of Shelby and part of Spencer, Samuel W. White; from the county of Washington, John Pope; from the county of Mercer, Samuel Daviess; from the county of Garrard, John Faulkner; from the counties of Lincoln and Rockcastle and a part of Laurel, John Green; from the county of Madison, Archibald Woods; from the counties of Pulaski and Wayne and a part of Russell, Martin Beaty; from the counties of Knox, Harlan, Clay, Perry and Whitley and a part of Laurel, Daniel Garrard; from the county of Nelson and a part of Spencer, Martin H. Wickliffe; from the counties of Grant, Pendleton and Gallatin, David Gibson; from the counties of Franklin and Owen, Jephthah Dudley; from the county of Scott, Rodes Smith; from the county of Harrison, Peter Barrett; from the counties of Bracken and Nicholas, Andrew S. Hughes; from the county of Bourbon, John L. Hickman; from the county of Mason, James Ward; from the counties of Greenup, Lewis and

Lawrence, John M. McConnell; from the county of Fleming, William B. O'Bannon; from the counties of Montgomery and Estill, Jesse Daniel; from the county of Clarke, Chilton Allan; from the counties of Woodford and Jessamine, Andrew Muldrow; and from the county of Fayette, Robert Wickliffe.

The said Thomas S. Slaughter, William Cunningham, John Hughes, Samuel W. White, John Green, Archibald Woods, David Gibson, Peter Barrett, Andrew S. Hughes, John M. McConnell and Andrew Muldrow severally produced certificates of their having been duly elected at the last general election, and took the several oaths required by the constitution of the United States, and the constitution and laws of this state.

Mr. Crutcher nominated Mr. Thomas Chilton as a proper person to fill the office of clerk to the Senate during the present session; Mr. Given nominated Mr. Thomas W. Hawkins; Mr. White nominated Mr. James S. Whitaker; Mr. O'Bannon nominated Mr. James Crawford; Mr. Faulkner nominated Mr. James Stonestreet, and Mr. Beaty nominated Mr. Joseph H. Daviess, and after taking seven several votes Mr. James Stonestreet having a majority of all the votes, was declared duly elected, whereupon he took the oath of office.

Mr. Lockett nominated Mr. Nelson C. Johnson as a proper person to fill the office of assistant Clerk to the Senate during the present session; Mr. Crutcher nominated Mr. Benjamin R. Pollard; Mr. O'Bannon nominated Mr. William Musgrove; Mr. Pope nominated Mr. David G. Cowan, and Mr. Muldrow nominated Mr. Philip Swigert; after taking four several votes Mr. Benjamin R. Pollard having received a majority of all the votes was declared duly elected; whereupon he took the oaths of office.

Mr. White nominated Mr. Bland Ballard as a proper person to fill the office of Sergeant at Arms, during the present session, and Mr. Martin H. Wickliffe nominated Mr. Anthony Crockett; upon taking a vote between them, a majority appearing in favor of Mr. Anthony Crockett, he was declared duly elected; whereupon he took the oaths of office.

Mr. Slaughter nominated Mr. John Crutcher as a proper person to fill the office of Door Keeper, during the present session, and Mr. Given nominated Mr. Littleberry Batchelor. Upon taking a vote between them a majority being in favor of Mr. Batchelor, he was declared duly elected; whereupon he took the oaths of office.

A message from the House of Representatives by Mr. Blackburn.

Mr. Speaker, I am directed to inform the Senate, that the House of Representatives, having met, formed a quorum, and elected their officers, are now ready to proceed to legislative

business: They have appointed a committee, to act in conjunction with such committee as may be appointed on the part of the Senate, to wait on the Governor, and to inform him that the General Assembly has convened, and is now ready to receive any communication he may think proper to make.

And then he withdrew.

Whereupon Messrs. Daviess and Garrard were appointed a committee on the part of the Senate.

Ordered, That Mr. C. Allen inform the House of Representatives thereof, and that the Senate, having met, formed a quorum and elected its officers, is now ready to proceed to legislative business.

Mr. Daviess, from the joint committee appointed to wait on the Governor, reported, that the committee had discharged the duty assigned them, and were informed by the Governor that he would, by his secretary, make a communication (by way of message,) to both branches of the General Assembly on that day, at half past two o'clock P. M. in their respective chambers.

Ordered That the rules of the last, be adopted as those of the present session; and that the public printer forthwith print one hundred and fifty copies thereof for the use of the members of the General Assembly.

A message from the Governor, by Mr. Pickett, his Secretary:

Mr. Speaker.—I am directed by the Governor to lay before the Senate a message in writing. And then he withdrew.

The said message was then taken up and read as follows, viz.

Gentlemen of the Senate,

And of the House of Representatives,

THE annual assemblage of the Representatives of the people, clothed with their power, and ready to do their will, is a scene highly grateful to the considerate admirer of free institutions. In this feature of modern liberal governments, he sees the efficient means by which the turbulence and instability of unmixed democracy are avoided on the one hand, and the oppression of unbridled despotism on the other. Through this medium, he sees the machine of government moved by those on whom it operates, and all its parts nicely kept in their proper places, and made to perform their proper functions. His feelings of joy and gratitude are greatly enhanced, by the reflection that the complete success of the scheme of government adopted in his own country, has induced the new republics of the South to copy it as a model, and that it is ameliorating the iron despotism of the eastern hemisphere. Who, when he reflects on the prosperity of his own country, and the blessings which its example is diffusing over the world, can fail, on this auspicious occasion, to raise his heart, in thankfulness to the Supreme Author of all good. Who can restrain the good man, when he views

the genius that is inspired, the activity that is stimulated, the virtues that are induced, the wealth and prosperity that are promoted, the light that is diffused, and the nations that are liberated by our glorious institutions, and their example, from acknowledging that benevolent power which pointed our fathers to the path of political wisdom, and has, thus far, enabled their children to follow it. May His all-powerful hand still direct us, our children and our children's children, in that illuminated and delightful path, till time shall be no more.

I congratulate you, gentlemen, on your arrival at the scene of your future labors, in safety and health. I congratulate you on the general health, which, during the last session, has pervaded our state, and on the abundant crops which have blessed the labors of our husbandmen. Famine is known to our citizens only in the tales of distress which reach them from other lands. Pauperism never appears among us, but as the companion of vice; and even want in its mildest forms, is almost an entire stranger. Happy was the hour, when our forefathers left the land of their nativity, to seek their homes in the American wilds; left that land where the descendants of their brothers and friends are now suffering all the privations which a bad government can induce, and sinking nature sustain. In the contrast of situations, we shall find ample cause to rejoice at their choice, and be satisfied and joyful under those slight evils and inconveniences which our impatience sometimes magnified into public embarrassment and private distress.

The constitution makes it the imperative duty of the executive, to give to the assembled representatives of the people information of the state of the Commonwealth, and suggest such measures as he may think the public interest requires. Although I doubt not, that in your knowledge and wisdom, you will better ascertain the public wants, and prescribe the appropriate remedies, I shall not shrink on this or any other occasion, from the performance of a duty, which is required of me by the people and their constitution.

The peculiar situation of our judiciary will doubtless command your earliest attention. It is through you alone, that the voice of the people can be heard, either in making laws, or in construing the constitution. It is for each of you, here to express the will of the people, in your several counties and districts, as it has been expressed to you. If it be their will that the existing law, establishing the Court of Appeals, shall be repealed, let it be done. If it be their will that another court shall be established, either by a new law, or a revival of the old laws, let it be done. I am confident the existing judges of that court will present no obstacle to your carrying into full effect, the will of your constituents, and I pledge myself none shall be

presented by the executive. They will be relieved from a situation which it was a sacrifice of their private interests to hold, and the executive will ever be ready to fill any offices in that court, which your acts may create, according to the constitution.

Here, gentlemen, suffer me to offer you my heart-felt congratulations, that in the conflict of jurisdictions, between the two sets of men claiming to be judges of the Court of Appeals, no tumult or violence has arisen in the country, which has rendered necessary the interposition of the executive arm; of which there was so much ground of apprehension. That a contest of this kind, in which the vital powers of government are involved in the issue, should be carried on without open resistance to the authority of either party, especially as their decisions involved the property of multitudes, speaks volumes of praise of the intelligence and orderly disposition of our fellow-citizens. I need not tell you how great is my satisfaction, that I have not been called upon by any open resistance to the laws, to perform that most painful duty imposed by the constitution, of causing them to be executed by an exertion of executive power.

In my message at the commencement of the last session of the General Assembly, I called the attention of the representatives of the people to several subjects, which I deemed of vital importance to the state. It was with regret that I saw them disperse, without adopting any efficient measures to promote the great interests of the state, and secure the invaded rights of its citizens. I shall call your attention to most of the same subjects, earnestly hoping, that while you vindicate the sovereignty of the state from every species of violation, you will also do something for the great interests of education and internal improvements. Entertaining the opinions that I do, I should be wanting in my duty to you, to myself, and to my country, did I not again and again warn the General Assembly of the encroachments of the Federal authorities upon the sovereignty of our state, and the rights of our citizens, through the medium of the judiciary. No efficient measure has been adopted in Congress, to give us justice and relief, in relation to our occupant laws. Our limitation laws, in respect to actions for land, have in part been set aside, and in part so construed, as almost entirely to destroy the limitation. By a construction of the compact with Virginia, which would never have been anticipated or thought of, by the parties to it, and especially by Kentucky, many of our peaceful and industrious citizens, after expending the labor of thirty or forty years, upon lands which they have honestly purchased, are made liable to be driven from their homes, by obsolete and dormant claims, held by citizens of other states or foreign powers. And if the construction adopted by the court be correct, their case is to

tally remediless. Every act of their Government, which would relieve them from danger, and give them compensation for their lost labor, is pronounced to be unconstitutional and void! Is there any other people, state, or nation, in the world, which cannot relieve itself from such oppression? Is it possible that the people of Kentucky ever intended to surrender the privilege of shielding themselves from oppression, and regulating their own limitation laws according to their interests and will? If they did, Kentucky is not an independent state; is not, as a member of the union, entitled to equal rights and powers with her sister states. She cannot do that which Virginia can do:—for that Virginia can constitutionally amend the twenty years limitation law, or adopt a seven years limitation, as Kentucky has done, no man pretends to doubt. If we are then to be disrobed, by construction, of those powers which are essential to sovereignty, and the protection of our citizens, it would have been better that we had still remained a portion of the parent state; and it might now be made a question, whether the individual interests of our people would not be promoted, by surrendering our independence, becoming again a portion of Virginia, and thus ridding ourselves of a compact, which the tyrant, *construction*, is using to defeat the most essential objects of free government.

I have heretofore called the attention of the Legislature to the rules of the Federal Court, which, all agree, constitute a direct act of legislation; and I was happy to find that among the representatives of the people of Kentucky, neither the rules themselves, nor the principle on which they are founded, could find scarcely a single advocate. The appeal of the House of Representatives of this state to Congress, was heard in that body, and neither there, was this exercise of federal authority through the judges, viewed in any other light than as an usurpation. Yet the judges have not retracted. The rules still exist, and constitute the law by which the marshal levies executions, and disposes of the property and persons of debtors. Thus, your powers, as representatives of the people, chosen by them to determine by law, in what manner the property and persons of your fellow-citizens, who are so unfortunate or fraudulent, as to be unable or unwilling to pay their debts, shall be disposed of, are directly usurped, and Kentucky is called upon to submit to a legislative power, independent of her representatives, either in the General Assembly or in the Congress of the United States.

It is to be hoped that neither the present, nor any future legislature, will cease their complaints and remonstrances, until these encroachments of federal power are relinquished, and the rights of the people and the legislature of Kentucky, are fully admitted and confirmed. Let us redouble our exertions and appeals, as well to our sister states as to Congress; for every state is

interested in maintaining the just and constitutional rights of each member of the confederacy, and will not be deaf to the complaints of Kentucky.

Nor can I forbear calling your attention to the power possessed, and the influence exerted by the Branch Banks of the United States in this state. A corporation embracing the means, and commanding the talents which are under the control of these institutions, will ever be dangerous to a republic, and any other government. Much greater when it exists, as I verily believe the Bank of the United States does, in a palpable violation of the constitution, and can maintain itself only by the constant exertions of its influence upon public sentiment. It thus ascertains its power from its constant exercise, and it will indeed be remarkable, if it do not in the end, control the Government, and triumph over the people. But I will not enter into a discussion of the unconstitutionality, the influence or the dangers of this Bank. On all these subjects, you are doubtless as well informed as the Executive, and I call your attention to them, merely to perform my constitutional duty, and to assure you, that I will cheerfully concur in efficient measures, to subject the Branches to the power of our government, destroy their influence, or expel them from the state.

Economy in public expenditures is an object of primary importance. The only just rule in relation to salaries, is to give just so much as will insure a faithful performance of the public service, and no more. The appreciation of our currency has, in some instances, increased the value of the salaries of public officers, beyond that just compensation. Influenced by these considerations, I last year recommended the reduction of the salaries of the Judges of the Court of Appeals, and now repeat the recommendation. In the same message, I also recommended a slight amendment in our militia laws, requiring the military correspondence of the state to be carried on by the Adjutant General. An act of Congress, intended, doubtless, to lighten the burden of this portion of the public service upon the states, exempts the correspondence of that officer from the charge of postage. A slight amendment of the existing laws, would enable this state to avail itself of the benificent dispositions of Congress, and save from seven to nine hundred dollars per year. It is hoped, that time will be found by the present General Assembly, to relieve the public Treasury of this unnecessary charge.

The execution laws of the state demand a thorough revision. They have been rendered so very complicated and uncertain, by the frequent interposition of the legislature, and the decisions of courts, that the ministerial officers know not how to act, and the whole community, including the profession of law, are involved in perplexity and doubt. Surely a portion of your time cannot

be more usefully employed, than in digesting a system, short and comprehensive, which shall be efficient for the purpose intended, and at the same time intelligible to the whole community. As a general principle, that remedy is best which most speedily effects the cure of an evil. The failure of men to fulfil their contracts, is a serious evil in any community; and the system of laws which shall compel the most speedy fulfilment, without oppression and cruelty, will generally be found most conducive to the public prosperity. There are times amidst public calamities and distress, when the laws must necessarily be silent; but it is hoped and believed, that those times will be few in our republic. Let me, therefore, recommend to you to discard all prejudices in favor of prevailing, or ancient systems, and guided by the light of experience, introduce such improvements and amendments, as will insure speedy justice, without unnecessary expense or inconvenience to either of the parties. It is submitted to you, whether the commissions and costs, attendant on the long established system of three months replevin, are not ruinous, even to the interest, of the debtor; and whether a suitable and proper stay of execution, after judgment, cannot be devised, without subjecting him to so enormous an usury. If you shall succeed in making the law so plain, that the people and the ministerial officers may escape the snares with which they are now on every side beset, and if you can secure speedy justice to the creditor, and at the same time diminish the costs and perplexities which now await the debtor, you will deserve the thanks of your country.

In your revision of the laws and regulations of the courts of justice, permit me to call your attention to the Circuit Courts. To me, the system which vests in a single judge the absolute power of determining questions, which involve the property and lives of his fellow citizens, especially, when the unhappy prisoner who may suffer wrong from his caprice or corruption, has no appeal from his decisions, has always seemed to me anti-republican and inconsistent with every other feature of our free institutions. It does not seem to me republican or safe, that the life of a citizen, as is now often the case, should depend on the will or opinion of one man. I cannot but think, that our lives and liberties would be more safe, by associating with the gentleman of legal attainments, now on the bench, two plain and honest citizens, who should check, by their natural sense of right, the bias of the lawyer judge, to decide, rather in obedience to the technicalities of the law and foreign precedents, than the real truth and justice of the case. Precedent is a tyrant, and lawyers his slaves. Whether their master command them to do right or wrong, they generally dare not question his authority. His word is law; and the judge is esteemed neither learned nor wise, who disregards his mandates. Two associates for the lawyer judge, taken from the

most intelligent of our farmers and mechanics, would be less disposed to obey this despot, and would often do justice in contempt of his authority.

I deem the present mode of raising a revenue to defray county expenses, unequal, impolitic and unjust. The personal service which the state requires, upon juries, in militia musters and in the field, are sufficient to pay the state for personal protection. Our county establishments are chiefly for the enhancement and protection of property. A very small portion of the litigation carried on in court houses, concerns the persons of the litigants, and few are confined in our jails for outrages upon personal rights. Is it, therefore, just, to require of him who has no property to protect, to pay for the protection of property? Is it right to compel him who has little property, to pay for this object just as much as him who has much? It appears to me that the mere stating of the proposition, is sufficient to refute it. The system of poll taxes was derived from our parent state, where none but free-holders have a right to vote. It was natural that the representatives of such voters, should seek to throw a large portion of the public expenditure off their own shoulders and those of their constituents, upon a class of men, who had no means of counteracting their power and avoiding their injustice. But that the same system should have so long prevailed in Kentucky, whose government is the offspring of universal suffrage, is to be accounted for, only on the ground, that people are more disposed to submit to ancient systems, than to inquire into principles and defects. I beg you to turn your attention to this subject, and I am sure, that your minds must come to the same conclusion that mine has, and that you will substitute for the present unequal system, an *advalorem* tax, founded on the valuation of the state commissioners.

The subject of the state Treasury demands your careful investigation. By the funds provided and appropriated in former years, it is believed the accounts of the Treasury will be nearly balanced, and all deficits paid up, by the first day of next January. But in consequence of the policy pursued in relation to the Commonwealth's Bank, and the acts of last session, directing the valuation of property, to be made in specie, and changing the mode of valuation, the supplies are much diminished, and in a short period, will place the Treasury further in arrears than ever. The taxes payable the present year are \$104,896 20 cts. The valuations on which these were assessed, were made in paper, when it was at a discount of about fifty per cent. The valuations of the present year, if made with equal fidelity, being in specie, will not produce much more than half that sum, or about \$67,000. But as the commissioners received no compensation for their services; and as it is made the duty of the people to call on them, and give in their own valuations, it cannot be expected that the

duty will be performed with the same accuracy and fidelity. This fact is, indeed, already confirmed by the books that are returned to the Auditor's office. From this cause there will doubtless be a further reduction, of the amount of revenue, which may be estimated at \$7,000. The whole amount which the valuation of this year will produce, cannot be estimated at a higher sum than \$60,000. The profits of the Bank of the Commonwealth, are also constantly diminishing, in consequence of the curtailments of its discounts. Comparing the past with the future, it is not probable that they will amount, in the ensuing year, to more than \$24,000. Thus, these two sources of means, for the maintenance of the government, will not yield more than \$84,000, being \$69,537 46 cents less than the income of the state for the present year. The public expenditures under existing laws, may be estimated at \$143,283 74 cents, making a deficit in the Treasury of about \$59,283 74. That there must be a large deficit, unless this legislature takes the necessary steps to arrest it, there can be no doubt.

I have thought it my duty to lay before you these facts and estimates, that you may investigate the subject, and arrest the impending evil. It is the special duty of the representatives of the people, to watch over the fiscal concerns of the people, and see that just enough is exacted from them, in the shape of taxes, to pay the necessary expenses of government, and no more.— With them I leave this important subject, earnestly hoping, that they will not draw on the capital of the state, the stock in the Bank of Kentucky, the school fund, or the public lands for the ordinary expenses of government; but that those funds may be held sacred, for the purposes of education and internal improvements.

If we duly appreciate the liberty we enjoy; we shall take the necessary steps to perpetuate its blessings. No country can long enjoy a freedom worth possessing, without a general diffusion of intelligence among the people. Few of us would relish the liberty of martial Sparta, of tumultuous Athens, or of conquering Rome. In the first, the intelligence of the people only extended to military exercises; in the second, a few orators, like shifting winds, drove the ocean of an ignorant multitude, hither and thither; and in the last, arms and conquest were long the only study. But the scene is changed. The wisest men in the ancient Republics scarcely excelled in knowledge, the farmers and mechanics of our happy country; and the greater stability given to democracies by the representative principle, only requires the aid of general intelligence, to make free governments perpetual. The true patriot, who sometimes mourns over popular delusions, will seek to remedy the evil; not by depriving the people of their rights, but by increasing their intelligence, and thus placing them

out of the reach of deception. He will not seek to pull down the wise to a level with the simple; but to elevate the simple to the level of the wise. With these views, he will strive to promote, by all proper means, every grade of seminaries of learning. But in promoting colleges and universities, where, comparatively few, and those generally the children of the rich, are enabled to raise themselves above the general level, and form a kind of aristocracy in society, he will not fail, with even superior zeal, to promote common schools; which shall enable the children of the poor, the democracy of the country, to understand their rights and counteract the tendency, which superior intelligence, as well as superior wealth, have, to usurp and accumulate superior power.

This state has done much for a university and for county seminaries, but nothing for common schools. Public aid has been liberally extended to those institutions, which are chiefly accessible to the children of the rich, while the children of the poor have been left to seek education, only through the means and exertions of their parents. It may be a matter of doubt, whether the state has received any adequate return, for her liberality to the higher seminaries. Our University, though still respectable, has ceased to unite the confidence and affections of the people; and a great portion of the funds bestowed on our county seminaries, neglected by their Trustees, have become the prey of speculators. Yet I am far from wishing or recommending, an abandonment of these institutions. Let them rather be made parts of a general system of education, and as such, subjected to a strict superintendence by a man or men, who shall have an interest sufficient, to induce them to devote the most rigid attention to a concern so important. Several years ago, the Legislature appointed commissioners, who obtained from other states, much useful and interesting information, in relation to common schools, and submitted a system for the commonwealth of Kentucky. One half the profits of the Bank of the Commonwealth were set apart, as a fund for their support; but no other step was taken. Since that period, nothing has been done in furtherance of this important object. Indeed the Legislature has been induced, by the exigencies of the Treasury, to devote the whole profits of the Bank of the Commonwealth, and even the interest of the school fund, to the support of government; so that they have rather retrograded, than advanced, in relation to this essential concern. In the mean time, other states have been perfecting their systems, and their laudable example is extending itself throughout the Union. Ohio has adopted a system, and the last Legislature of Maryland, devised and submitted one to the people, who, at their next election were required to vote either in favor of or against it. The result was, that it was approved by a large ma-

jority, and will now be put into immediate operation. Cannot something efficient be done in Kentucky? Must we be the last in promoting common education, and commencing internal improvements?

It must be a subject of perpetual regret to every patriotic mind, that the state did not, with her own resources, undertake the construction of the canal at Louisville. It would have been an imperishable fund; a source of revenue as lasting as the Ohio river itself, which would have enabled the government to accomplish the most extensive and useful plans, without increasing the burdens of the people. Let us profit by past neglect, and seize on those objects of internal improvements, which yet remain, and are calculated to be useful to the citizens, and profitable to the government. A turnpike road from Maysville to Louisville, through the most important intervening towns, would much augment the wealth of the country, by facilitating the carriage of goods and produce, and would afford to the government a considerable annual revenue. Or if it be desired, to have a road as direct as possible, from an eligible landing place above to Louisville below, with branches to the more considerable towns, it might commence at Augusta, in Bracken county, run through Cynthiana, Georgetown, and Frankfort, and so on to Louisville. The starting point, and course of the road, will, however, be subjects properly to be decided by you. In addition to this road, there should also be one, commencing either at Frankfort or Louisville, and extending through the southern part of the state, in the direction of Nashville. Other roads, branching from these, or extending from important points on the Ohio river, will be required, and may be constructed, as the country increases in wealth and population. The beginning should be made at that point, where the road will be most useful and most profitable, and thence the system will be extended at the will and according to the wants of the people.

The subjects of common schools and internal improvements may be made auxiliary to each other. Let the school fund now in the Bank of the Commonwealth, the proceeds of the sales of vacant lands, the stock in the two Banks belonging to the state, and all other funds which can be raised by other means, than taxes on the people, be vested in the turnpike roads, and the net profits arising from tolls on those roads, be for ever sacredly devoted to the interests of education.

It is also submitted, whether it would not be just and expedient to repeal the charters of the county seminaries, in all those counties, except new counties, where they have not been or shall not be put in operation before a limited time, and add their property to the general fund for the promotion of education. Such a step would either bring those institutions into efficient opera-

tion, or make their now useless funds beneficial to the community. There are other minor sources, from which the school fund may be augmented, which will readily suggest themselves to your intelligence. Confident I am, that by a plan similar to the one I have suggested, under a strict and faithful superintendence; both the improvement of our state and of the minds of our people, may be affected in a few years, to a degree equal to that of any other section of the Union.

It is gratifying to me, Gentlemen, to have it in my power to inform you, that the Penitentiary, under the superintendence of Mr. Scott, has realized the most sanguine expectations of those who were favorable to a change of system in that institution. Instead of being a burden upon the Treasury, as it generally had been before its late reorganization, we may reasonably calculate that its proceeds will, hereafter, form a respectable item in the public revenue.

From the Louisville Hospital, the Deaf and Dumb Asylum, and the Lunatic Asylum, I have received no reports, and cannot speak of their condition. I do not doubt, that at an early day of your session, they will submit to you, reports of their operations during the last year, and an expose of their present situation.

Permit me, Gentlemen, to call your attention to a subject, which I deem of the greatest importance to our common country. The Constitution of the United States was not deemed perfect by those who formed it. The great and good Franklin signed it with tears, and there was scarcely one in that assemblage of wise men, who approved of all its features, or thought it unsusceptible of amendment. They put their names to it and the people adopted it, because it was the best which could then be had, relying on future experience to suggest alterations and amendments. At the fourth election of President and Vice President, a scene occurred, which convinced the people that an important change in the manner of voting for those officers, was essential to the peace of the country and the safety of the Union. An amendment was consequently adopted. Various other changes and improvements have been made in the original system, and they must continue to be made, so long as the affairs and opinions of men are subject to vicissitude and change.

Twice only, since the origin of our Government, has the election of a President devolved on the House of Representatives. From neither of those instances, can an argument be drawn in support of that mode of election. The terrible results which were threatened in the former instance, and the suspicions and heart burnings which have been caused by the latter, even admitting that the suffrage of every member was given with the utmost purity of motive, are sufficient to make the friends of order, of peace, and of the perpetuity of our institutions, desire a

change in the mode of election. In point of principle, without regard to past results, it cannot be wise, to expose our representatives and statesmen to strong temptation. When the aspirant to the Presidency, finds he can attain to the summit of his ambition, by procuring office or emolument, and when the representative can ensure to himself honors and riches, by giving a single vote, a strong temptation is certainly offered to both parties, to divide between them the offices of government, without regard to the interests of the people. We have no right to suppose that man is made of more inflexible stuff in America, than in Europe, and we shall commit a fatal error, in acting on the supposition, that he is here incorruptible. If corruption shall at any time seize the head of our Government, we may expect soon to discover it in all its members, attended with symptoms of a speedy dissolution. Believing that it is easier to keep men from temptation, than to deliver them from evil, and that the surest way to preserve the purity of our Government, is to close the avenues of corruption, I earnestly recommend to you, to take measures calculated to procure such an amendment of the Constitution, as will take the election of President and Vice President, in all cases, out of the hands of the people's representatives.

In endeavouring to satisfy my mind, in what set of men the ultimate as well as the primary vote for President and Vice President, can be most properly vested, I can discover none more safe, than the people themselves. Whatever may be the means of influence which powerful candidates may possess, over the members of Congress, and the electors of President and Vice President, under the present system, they can never corrupt the great body of the people. By suffering them to vote directly for those officers, in the first instance; and in case there is no choice, referring it back to them to determine between the two highest, the country would forever avoid the agitations which preceded the election of Mr. Jefferson, and the suspicions and recriminations which have followed that of Mr. Adams. Surely the additional trouble this would give the people, would weigh as nothing with them, compared with the purity and perpetuity of our free institutions. Nor need the essential compromisers of the Constitution, be in the least disturbed, or the elections be less federal in their character, than they are in the first instance, at present. A majority of those voting in each state may be made to count as many votes in the election, as that state now has electors; thus securing to the small states the same relative strength, in the first instance, that they have now. And surely none of those states can desire to maintain the advantage, which their representatives now have in an election by Congress, unless it be desirable to secure to their prominent men, the means of disposing

of their votes to the best advantage, and occasionally giving a President to the nation, who is obnoxious to the great majority of the people.

Believing that serious evils threaten our institutions and our liberties, from the present system; and that the people may be safely trusted with the all important privilege of selecting their own Chief Magistrate, I cannot but feel some solicitude, that Kentucky, always foremost in the promotion of liberal principles, shall be the first to step forward in favor of this amendment; which, more than any other measure, will tend to the peace of our country and the stability of our happy form of government. So essential do I deem a change, that I would not persist in supporting the plan I have suggested, but shall be willing to concur in any other, calculated to produce the same general result, which may be devised by your superior wisdom.

It is submitted to you, whether the honor of the state and the convenience of public business, do not require the erection of public buildings for the accommodation of the Legislature and the Court of Appeals. Now, one branch of the Legislature is dependant on a corporation, for the house which protects them; the other on a religious society, and the Court of Appeals is placed in a situation, equally unpleasant. It is not for me to decide, whether the necessary building or buildings shall be erected at Frankfort or elsewhere; but honor, convenience, and even justice to the people of this town, require that their erection somewhere should be no longer delayed.

Whatever information may be received during the session, calculated to aid in your legislative labors, will be promptly submitted to you; and rest assured, Gentlemen, that nothing shall be wanting on my part, to bring your labors to a happy and speedy close.

JOSEPH DESHA.

December 4, 1826.

Ordered, That the Public Printer forthwith print five hundred copies of said message, for the use of the members of the Senate.

Ordered, That a committee of propositions and grievances be appointed, and a committee was appointed, consisting of Messrs. James Allen, Hickman, Daniel, Mayo, Stephens, Cockerill, and Garrard, and such other members as may from time to time choose to attend; who are to meet and adjourn from day to day, and to take into consideration all propositions and grievances that may be referred to them from time to time, and report their proceedings together with their opinion thereupon, to the Senate. And the said committee shall have power to send for persons, papers and records for their information.

Ordered, That a committee of privileges and elections be appointed; and a committee was appointed, consisting of Messrs. Faulkner, Crutcher, O'Bannon, Martin H. Wickliffe, Wood, Slaughter and Gibson; who are to meet and adjourn from day to day, and take under consideration and examine in the first place, all the returns for the election of Senators to serve in the present General Assembly, and compare the same with the forms prescribed by law, and to take into consideration all questions concerning privileges and elections, and to report their proceedings together with their opinion thereupon, to the Senate; and the said committee shall have power to send for persons, papers and records for their information.

Ordered, That a committee for courts of justice be appointed; and a committee was appointed, consisting of Messrs. Charles H. Allen, Chilton Allan, Carneal, Andrew S. Hughes, Pope, Daviess, Robert Wickliffe, Green, Selby, McConnell and Woods; who are to meet and adjourn from day to day, and take into consideration all matters relating to courts of justice; and such other matters as shall from time to time be referred to them, and report their proceedings, together with their opinion thereupon, to the Senate. And the said committee are to inspect the Journal of the last session, and draw up a statement of the matters then depending and undetermined, and the progress that was made therein: also to examine what laws have expired since the last session, and inspect such temporary laws as are near expiring, and to report the same to the Senate, with their opinion which of them ought to be revived and continued. And the said committee shall have power to send for persons, papers and records for their information.

Ordered, That a committee of religion be appointed; and a committee was appointed, consisting of Messrs. Smith, Ward, White, Barrett, John Hughes, Cunningham, Muldrow and Lockett; who are to meet and adjourn from day to day, and to take into consideration all matters and things relating to religion and morality, and such other matters as may from time to time be referred to them, reporting their opinion thereupon to the Senate. And the said committee shall have power to send for persons, papers and records for their information.

Ordered, That Messrs. Yancey, Dudley, Beatty and Given be appointed a committee of enrolments.

Mr. Yancey presented the petition of sundry citizens of Barren county, praying that John Whitney, Thomas Whitney and Uriah Whitney, may be authorized to build a Mill Dam across Big Barren River, near the mouth of Walnut creek; which was received, read and referred to the committee of propositions and grievances.

And then the Senate adjourned.

TUESDAY, DECEMBER 5, 1826.

The Senate assembled.

Mr. Benjamin Selby, Senator from the counties of Adair and Casey, and a part of Russell, appeared and took his seat.

The Speaker laid before the Senate the following communication from the Keeper of the Penitentiary, to-wit:

To the honorable, the General Assembly of the Commonwealth of Kentucky.

It being my duty to submit, annually, to the representatives of the people, an account of the manner in which I have managed the Institution entrusted to my care and superintendence, I take the liberty of presenting to your honorable body a hasty and imperfect sketch of my proceedings, since the last session of the Legislature; apprehending that in the course of the present session, more detailed and specific information will be required of me.

In order to ascertain the pecuniary situation of the Penitentiary, for my own satisfaction, and with a view of making an early communication to you on the subject, I caused the books and accounts of the establishment, to be examined and balanced on the 8th day of October last. This investigation exhibits the following results, viz.

Due the Penitentiary on the 8th day of October, 1826, by notes, judgments and accounts,	\$3,860
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Raw materials and manufactured articles on hand and undisposed of, amounting to at least,	5,000
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This exhibits a total of	\$13,860
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Including the \$6,000 loaned by the state, the institution owes \$3,140, which deducted from the sum of \$13,860, leaves a balance in favor of the Penitentiary of \$5,720. Add to this the machinery, and other improvements made by me, not included in the foregoing exhibit, and which may be valued at the lowest estimate at \$7,000, and the net profits accruing to the institution, on the 8th day of October last, in disposable means, and beneficial investments, will amount to \$12,720.

From this sum, however, something must be deducted to cover any eventual loss that may accrue, in the collection of debts. It is impossible to ascertain, at present, what this sum will be, and difficult to make any very accurate estimate of it. It will, however, I am well satisfied, be very inconsiderable, for I have been particularly careful, not to give any credit without first ascertaining the ability and willingness of those applying for it, to pay. And though that degree of punctuality, which would have been agreeable to me, and which would have promoted the interest of the institution, has not been exactly observed, yet I have

no reason to believe that there has been any greater remissness on the part of the debtors, than is usual, where such a multitude of dealings has taken place; but to provide more effectually against any losses, in future, I have recently adopted rules relative to the subject of credit, which, if adhered to, will insure the most punctual observance of contracts.

I have not, hitherto, found any difficulty in vending manufactured articles, within a reasonable time, and at a moderate profit; and as I flatter myself with making some progressive improvements in various branches of manufactures, I think there exists no reason to apprehend any difficulty in making sales hereafter.

There are now in the Penitentiary in confinement, seventy-seven convicts. Since my communication last year, thirty-one convicts have been received, and thirty-two discharged. Three only have been pardoned, by his excellency the Governor, who had, at the time they were pardoned, to serve any considerable portion of their respective sentences: a few others of that number, having a very short time to serve, in consideration of their good behaviour, whilst in confinement, have been likewise liberated, who, whilst directing their enlargements, indulged the benevolent hopes, that pardons granted under those circumstances, might have a happy influence on their conduct and characters, hereafter. The convicts throughout the present year, have enjoyed an excellent state of health; there have been but few cases of sickness, and none of those have been fatal, nor has any thing taken place, with the exception of one unfortunate occurrence, materially to disturb the order and discipline, maintained in the institution; the occurrence to which I refer, was the killing of one convict, by another. Bradley or Barrett (as he called himself,) stabbed Johnson, a convict, alledging for a reason for committing the crime, that Johnson had divulged a plan devised by himself (Bradley) and others, to make their escape from the penitentiary. Bradley was afterwards tried, convicted of murder, and executed.

It may not be improper to remark, that I have recently paid \$1,000 into the treasury, which I assumed to pay annually to the commonwealth.

For, whatever degree of success has attended my effort, to make the institution committed to my care, respectable as a manufacturing establishment, and profitable to the state, to maintain good order and decency of deportment among the convicts, I am much indebted to the aid and co-operation of the assistant keeper, the clerk and the guard; they have at all times been unremittingly zealous in promoting the interest, and improving the character of the establishment.

Permit me, gentlemen, in conclusion to add, that it will be

highly gratifying to me, to be visited by you frequently, either by committee or individually.

To every member, disposed to inspect the institution, and to inquire into its circumstances and condition, every facility will be cheerfully afforded, by

Your obedient and humble servant,

JOEL SCOTT.

1. Mr. Cockerill presented the petition of Christopher Haynes, praying that a law may pass authorising him to build a Mill Dam across Big Barren River.

2. Also the petition of sundry persons, praying that the state price on four hundred acres of land, in Allen county, be remitted to Eleanor and Julia Harrison, infant heirs of Sarah Harrison deceased.

3. Mr. Green presented the petition of sundry persons, praying that the balance of the state price due on one hundred acres of land in Lincoln county, may be remitted to the widow and heirs of William Leach deceased.

4. Also the petition of sundry persons praying that the state price due on three hundred and eighty acres of land, in Lincoln county, owned by the widow and heirs of Isaac Williams deceased, be remitted.

5. Mr. McConnell presented the petition of David and John Trimble, praying that a law may pass, authorizing them to build a dam across Licking River, at the horse shoe bend in Pendleton county, for the purpose of working a forge and water grist and saw mills.

6. Also the petition of sundry citizens of Greenup county, praying that the militia law may be amended, in relation to raising volunteer companies.

7. And Mr. Given presented the petition of Stephen Hogg, praying that a law may pass, changing his sir name, and that of his children, to Rappolee.

Which petitions were severally received and referred, the 1st. 2d. 3d. 4th. and 5th to the committee of propositions and grievances; the sixth to a select committee of Messrs. McConnell, Hickman, O'Bannon and Cockerill, and the seventh to a select committee of Messrs. Given, Lockett, Cunningham and Chilton Allan.

Mr. Robert Wickliffe moved the following resolution, to-wit:

Resolved, That so much of the Governor's message as relates to the Constitution of the United States, and as suggests the propriety of amendments thereto, be referred to a select committee.

Which was twice read and adopted, and Messrs. Wickliffe, Daviess, Green, Chilton Allan, Andrew S. Hughes, McConnell and Woods, were appointed a committee pursuant thereto.

Leave was gived to bring in the following bills, to-wit:

On the motion of Mr. Wood—1. A bill for the benefit of the head right, and Tellico settlers, and for other purposes.

On the motion of Mr. Chilton Allan—2. A bill to remove the unconstitutional obstructions which have been thrown in the way of the court of appeals.

On the motion of Mr. M'Connell—3. A bill concerning the bank of the Commonwealth of Kentucky.

On the motion of Mr. Andrew S. Hughes—4. A bill to repeal so much of any law, that may authorize and direct the valuation of property taken under execution.

On the motion of Mr. Yancey—5. A bill to amend the law abolishing imprisonment for debt.

On the motion of Mr. Faulkner—6. A bill more effectually to punish trespassers.

On the motion of Mr. Crutcher—7. A bill to repeal the act entitled, an act to alter the mode of taking in lists of taxable property, approved, December 17th 1825.

On the motion of Mr. Andrew S. Hughes—8. A bill to amend the law concerning divorcees.

On the motion of Mr. Stephens—9. A bill to amend the law relative to the relinquishment of dower.

On the motion of Mr. Yancey—10. A bill to amend the penal laws.

On the motion of Mr. Beaty—11. A bill to reduce the price of land lying in the state of Tennessee, between Walker's line and latitude 36° 30' north.

And on the motion of Mr. James Allen—12. A bill for the benefit of the heirs of Josiah Bass deceased.

Messrs. Wood, Beaty, Selby, James Allen and Given were appointed a committee to prepare and bring in the first: Messrs. Chilton Allan, Robert Wickliffe, Green, Charles H. Allen and M'Connell, the second; Messrs. M'Connell, Yancey and O'Bannon, the third; Messrs. Andrew S. Hughes, Selby, Faulkner and Gibson, the fourth; Messrs. Yancey, Slaughter, Selby, M'Connell and Green, the fifth; Messrs. Faulkner, Green, Chilton Allan and Woods, the sixth; Messrs. Crutcher, Stephens and John Hughes, the seventh; Messrs. Andrew S. Hughes, Smith, Wood, Barrett and Given, the eighth; Messrs. Stephens, James Allen, Green and White, the ninth; Messrs. Yancey, Chilton Allan, Daniel, Andrew S. Hughes and James Allen, the tenth; Messrs. Beaty, Wood, Cunningham, Yancey and Cockerill, the eleventh; and Messrs. James Allen, Given and Charles H. Allen, the twelfth;

The Senate received a message in writing, from the Governor, by Mr. Loughborough assistant secretary, which was taken up and read as follows, to-wit:

Gentlemen of the Senate,

Having considered the resolution, entitled "a resolution

relative to the Capitol, Grounds, and Public Property," presented to me near the close of the last session of the General Assembly, I now return it to the Senate, in which it originated, with these objections.

On the 10th of February, 1816, the Législature passed an act authorizing the Governor, with the consent of the Senate, to appoint a fit person as keeper of the State House and Public Square, when the situation of the State House should require it.

This act, I consider, created the office of Keeper of the Public Square. It has never been repealed, consequently the office still exists, and might, at any time, when the situation of the property requires it, be filled by appointment. With these views I have, during the recess, commissioned a keeper.

The resolution which I returned, requires the Treasurer to take care of the Capitol, Grounds and Public Property thereon, or in other words, to perform the duties of the keeper, as prescribed by the act of 1816.

The resolution cannot repeal the law, nor abolish the office created by it, neither can it operate to fill the office by legislative appointment. As it could not constitutionally affect either of these, its only operation would be, to impose duties upon the Treasurer, which the law contemplated should be performed by another. Not believing that two keepers were requisite, I deemed this imposition of duty upon the Treasurer unnecessary, and have therefore declined approving the resolution.

JOSEPH DESHA.

Mr. James Allen moved the following resolutions, to-wit:

1. *Resolved*, That so much of the Governor's message as relates to the encroachments of the Federal Judiciary, be referred to a select committee.
2. That so much of said message as relates to the undue influence of the United States Branch Banks, in this State, be referred to a select committee.
3. That so much of said message as relates to communications to be made through the Adjutant General, be referred to a select committee.
4. That so much of said message as relates to the Judiciary of this State, be referred to a select committee.
5. That so much of said message as relates to Common Schools, be referred to a select committee.
6. That so much of said message as relates to Internal Improvements, be referred to a select committee.
7. That so much of said message as relates to the Revenue and County Levy, be referred to a select committee.
8. That so much of said message as relates to the Execution Laws of this State, be referred to a select committee.

Which were twice read and adopted, and Messrs. Andrew S.

Hughes, Carneal, Charles H. Allen, M'Connell and Stephens were appointed a committee pursuant to the first resolution; Messrs. Daviess, Wood, Selby, Woods and Muldrow, the second; Messrs. Faulkner, John Hughes, Martin H. Wickliffe and Barrett, the third; Messrs. James Allen, Ward, Mayo, Given and O'Bannon, the fourth; Messrs. Chilton Allan, Smith, Lockett, Green and Slaughter, the fifth; Messrs. Robert Wickliffe, Hickman, Dudley and White, the sixth; Messrs. Yancey, Crutcher, Daniel and Cockerill, the seventh; Messrs. Pope, Beaty, White, Garrard and Cunningham, the eighth.

Mr. Green moved the following resolution, viz.

Resolved, That the committee for Courts of Justice be instructed to inquire whether any amendment to the laws be necessary, for the purpose of more effectually preventing the importation of slaves into this Commonwealth.

Which was twice read and adopted.

Mr. Chilton Allan from the select committee appointed for that purpose, reported a bill to remove the unconstitutional obstructions which have been thrown in the way of the court of appeals; which was received and read the first time, and ordered to be read a second time.

Ordered, That the public printer, forthwith print one hundred and fifty copies of said bill, for the use of the members of the General Assembly.

Mr. Woods read and laid on the table the following resolution, to-wit:

Resolved by the Senate and House of Representatives, That a committee of three from the Senate and six from the House of Representatives, be appointed to examine and report the condition of the Treasurer's office; three from the Senate and six from the House of Representatives, to examine and report the condition of the Auditor's office; three from the Senate and six from the House of Representatives, to examine and report the condition of the Register's office; four from the Senate and eight from the House of Representatives, to examine and report the condition of the Penitentiary; four from the Senate and eight from the House of Representatives, to examine and report the condition of the Bank of the Commonwealth of Kentucky; and four from the Senate and eight from the House of Representatives, to examine and report the condition of the Bank of Kentucky, whose duty it shall be to count all the specie and paper in the vaults of said bank, distinguishing particularly the kind and amount of each kind of paper: and the said committees shall have power to send for persons, papers, and records, for their information; and that said committees be instructed to discharge their duties speedily, with a view to an early adjournment of the Legislature.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 6, 1826.

The Senate assembled.

The Speaker laid before the Senate a letter from the Auditor of Public Accounts, covering his annual report, and several official statements, which were read as follows, to-wit:

STATE OF KENTUCKY

Auditor's Office, December 6th, 1826.

DEAR SIR—Please lay before the House over which you preside, the documents accompanying this, from No. 1 to 10, inclusive, and oblige

Yours respectfully,

PORTER CLAY, *Aud. Pub. Ac.*

ROBERT B. M'AFEE, ESQ. *Lieut. Governor, &c.*

No. 1.

A statement of monies received and paid at the Treasury, for the year ending on and including the 10th day of October 1826, to-wit:

Received of the revenue collectable by sheriffs, for		
the year	1820,	96 67
Ditto,	1821,	21 95
Ditto,	1822,	90
Ditto,	1823,	149 59
Ditto,	1824,	71929 43
Ditto,	1825,	1100 00—73,387 64
For Bank Stock Fund, to-wit: On lands granted under the acts of 1815, 1820 and 1825, denominated Land Warrants,		
		3803 95
Ditto, under the acts of 1795, 1796 and 1800, denominated headright lands,		
		1102 16
Ditto, under the acts for appropriating the land acquired by the treaty of Tellico,		
		30 33—4936 44
Tax on non-residents lands,		2,388 06
For miscellaneous receipts,		66 30
For tax received on Law process, deeds, seals, &c. by Clerks of the Circuit and County Courts, &c.		
		9570 59
For fees received by the Register of the Land Office,		
		1,999 07
For tax on seals received by the Secretary of state,		
		32 30—11,601 96
For amount received of the keeper and agent of the Kentucky Penitentiary,		
		5,987 90
For amount received of the Bank of the Commonwealth of Kentucky as revenue,		
		37,053 02
For amount received of the Bank of Kentucky for the distribution of stock,		
		59,670

For amount received for the sale of lands west of Cumberland River, lying in the state of Tennessee,	1,749
Ditto, East, ditto, ditto,	64
For amount received for the sale of lands west of Tennessee river,	33,519 80
For amount received of the Treasurer of the Town of Wadsboro, for the sale of lots in said Town,	740 59
Total amount received	\$231,164 71
Received from debts receivable, (Specie)	500
PAID SAME TIME.	
Warrants paid by the Treasurer,	140,455 20
Stock subscribed in the Bank of the Commonwealth of Kentucky,	88,850
Total expenditures,	\$229,305 20
Amount credited the Treasury by act of Assembly for expenses paid for the entertainment of Gen. La Fayette,	8126 50
Amount credited the Treasury and charged to the individual account of Samuel South, former Treasurer, it being a balance due from him,	1,669 20
Total credits,	\$9,795 70
Balance due from the Commonwealth, on the 10th day of October 1825,	26,444 69
Making a sum of,	\$265,545 59
From which deduct receipts as above,	231,164 71
Also, deduct the amount debited the Treasury, for amount overdrawn by Samuel South, former Treasurer, in the Bank of the Commonwealth of Kentucky, which amount has been charged to said South and credited in the Bank account on settlement of its nett profits in July last,	13,560 30
Making a sum of	\$244,725 01
Which leaves the Commonwealth in debt on the 10th day of October 1826,	20,820 58
Specie remaining in the Treasury on the 10th day of October 1825, was	500
Amount of Specie received as stated above	500
Total amount of Specie in the Treasury on the 10th day of October 1826,	1,000

There still remains in the Treasury (Illinois money)
to the amount of, 20

NOTE—No report has been made from the Bank of the Commonwealth of Kentucky since the first of July last.

No. 2.

A Statement of Warrants drawn by the Auditor Public Accounts, during twelve months, ending on and including the 10th day of October 1826—shewing the amount drawn for each source of expenditure and the amount of Warrants paid and unpaid in the same period, viz:

Executive office, for fuel, stationary, &c.		
For Secretary's office	414	57
For Auditors office,	521	33
For Land office,	507	16
For Treasurer's office,	260	01—1,703 07
Public Printers—for advertising non-residents lands,		84 22
Jailors—amount paid for guarding criminals in Jail,	1,920	
Ditto, for Ironing criminals,	15	42
Ditto, for guarding criminals to Jail,	31	
Ditto, for dieting criminals in Jail,	3301	44
Ditto, for committing criminals to Jail and releasing them,	124	86
Ditto, for Jailors attending Circuit Courts and furnishing fuel, &c. for the Courts,	2,850	98—8,243 70
Public communications—for postage on letters sent and received by the Governor and Secretary,	686	85
Ditto, by the Auditor Public Accounts,	330	85
Ditto, by the Quarter-Master General,	64	90
Ditto, by the Adjutant General,	419	04—1,501 64
Commissioners of tax—for taking in lists of taxable property for the revenue of 1825, payable in 1826,		6,399 75
Salaries—of the Executive department,	7,744	79
Do. Attorney General,	369	29
Do. Judiciary department,	20,575	73
Do. Keeper of Public Square	50	—28,739 81
Attornies for the Commonwealth,		4,739 46
		<hr/> \$51,411 65
Contingent expenses—Binding extra acts of Assembly,	27	12
For advertising sale of lands West of Tennessee River (for Register) in the National Intelligencer (Wash. City,	42	20
Repairs of public pumps,	35	25

Advertising proposals to distribute acts and journals November session 1825,	7 50
Carriage on books forwarded to the Gov.	25 37
Frames for Declaration of Independence as per resolution of the Legislature,	20
Repairs of public buildings and yard,	226 60
Stationary furnished the Adjutant Genl.	68
Salary of the crier at the sale of lands, west of Tennessee River,	81
Ditto of the clk. ditto,	81
Ditto of the receiver ditto,	300
Record books for ditto,	55 50
Stationary for ditto,	118 08
Pay of Tipstaff to the general court and court of appeals,	162 37—1,251 19
Military expenditures—Pay of Brigade Inspectors,	277 50
Witness's attendance,	18 56
Carriage and storage on public arms forwarded to Kentucky,	208 83
Pay of Judge Advocates,	4
Do. Provost Martials,	8
Do. Recorder to gen. court, of enquiry,	2 00—518 89
Lunatics,	1,600 44
Ideots,	6,264 74—7,865 13
Decisions of the court of appeals—Pay of Reporter,	674 00
Clerks services—Presses for the use of the clerks offices,	366 50
Record books for do.	3,086 34
Ex-officio services of the circuit court clks. and clerk of general court,	3,204 67
Pay to county court clks. for making out lists of taxable property,	2,607 87—9,265 38
Sheriffs for revenue of 1823,	
Sale of lands,	31 29
Revenue overpaid	1 59—32 88
Kentucky Institution for the tuition of the deaf and dumb—for the support of indigent pupils,	3,862 41
Loans to the Penitentiary—balance of appropriations made to the keeper,	3,220 40
Sheriffs for revenue of 1824—for amount of revenue overpaid,	77 03
Money refunded,	
For fees of attorney general, clerk of general court &c. (this amount being paid into the Treasury,	

for the benefit of said officers, it being their fees against public defaulters amounting to	488 77	
For taxes twice paid,	244 54	733 31
Electors—to vote for President and Vice President, Legislature, November session 1825, including the daily attendance and mileage of the members and the pay of witnesses,		9
Surveyors, for copying entry books, &c.		14,117 97
Lunatic Asylum—for appropriation made November session 1824,		1,596 92
Legislature November session 1824—pay of witnesses,		5,000
Public roads—pay of sundry commissioners,		2 62
Drawback on vacant lands—claims improperly paid on and money drawn back for the redemption of headright claims,		98 25
		277 04

\$100,014 12

Appropriations, November session 1825,—erection of monuments over the bodies of Governors Madison and Greenup, and Thomas Dollerhide, Senator,	\$280	
Counsel for Commonwealth,	50	
Pay of clerks of Senate and House of Representatives,	1,268 56	
Binding Acts and Journals,	729	
Quarrying stone for Penitentiary.	162	
Agent of Penitentiary for house rent,	100	
Clerk of penitentiary for services rendered,	200	
Sergeant at Arms of Senate and House of Representatives,	276	
Fuel for	ditto	401 87
Sundries furnished	ditto	360 64
Door keepers and attendance on	ditto	224 43
Assistant clerks of	ditto	22
Repairs of public buildings,		125 25
Guarding	ditto	12
General Lafayette's portrait,		1,500
Public Printers,		3,443 70
Commissioners of the Penitentiary,		75
Balance of General Lafayette's expenses,		858 25
Surveyors,		1,500
Adjutant and Quarter Master Generals for office rent,		100
Lunatic Asylum,		7,000
Trustees of town of Frankfort,		3,000—\$21,688 70

Sheriffs comparing polls—for electors,	27 90
for congressmen,	3 80
for senate,	32 88—64 58
Commissioners of navigation—pay of commissioners of Salt river for services rendered in 1818 and 1819,	45 45
Distributing Acts and Journals, November session 1825,	280 00
Purchasers of non-resident's lands—amount paid, purchasers for redemptions,	62
Slaves executed,	50—376 07
	<hr/>
	\$122,143 47
Criminal prosecutions—constable's guarding criminals to jail,	84 69
Sheriffs guarding criminals to the Penitentiary,	1,303 77
Executing process for contempt,	361 43
Guards,	2,141 33
Sheriffs guarding criminals to jail,	211 32
Sheriffs executing condemned persons,	26 05
Sheriffs apprehending criminals,	247
Sheriffs summoning venire's,	506 93
Sheriffs summoning witnesses,	595 64
Constables apprehending criminals,	1,436
Constables summoning witnesses,	339 80
Witnesses attendance,	4,002 29
Constables for whipping negroes,	67 72
Veniremen attendance,	9,674 25—20,998 20
	<hr/>
Total amount of warrants issued,	\$143,141 67
Amount of warrants unpaid, 10th October 1825,	142 07
	<hr/>
Making a sum of	\$143,283 74
From which deduct the amount of warrants, paid during the year ending 10th October, 1826,	140,455 20
	<hr/>
Warrants unpaid on the 10th October 1826,	\$2,828 54
No. 3.	
<i>A Statement of balances due to Government, on the 10th day of October, 1826, to wit.</i>	
Of the revenue collectable by Sheriffs due for the year	1793,
	\$104 06
Ditto,	1794,
	138 61
Ditto,	1796,
	1805 36
Ditto,	1798,
	101 36
Ditto,	1799,
	217 25

Ditto,	1800,	172 26
Ditto,	1802,	31 99
Ditto,	1803,	1662 21
Ditto,	1806,	613 26
Ditto,	1807,	279 43
Ditto,	1809,	48 58
Ditto,	1811,	52 44
Ditto,	1815,	10 26
Ditto,	1817,	754 54
Ditto,	1819,	942 86
Ditto,	1820,	579 18
Ditto,	1821,	2044 02
Ditto,	1822,	246 67
Ditto,	1823,	1561 55
Ditto,	1824,	1917 48

Total due from Sheriffs,	\$13,283 37
Debts receivable,	8,797 04
Commissioners of navigation,	1 77
Tax on bank stock, (Independent Banks,)	1,105 06
Clerks, for taxes,	8,387 40
Loans to the Penitentiary,	65,530 17

Total amount of debts due Government, on the 10th day of October, 1826, \$97,104 81

The amount of stock owned by the State in the Bank of Kentucky, on the 10th day of October, 1826, \$358,020
 Ditto, Ditto, in the Bank of the Commonwealth of Kentucky, same date, 423,218 63

Total amount of stock, \$781,238 63
 No. 4.

A Statement of balances due from Government on the 10th day of October, 1826, and for which the Treasury is bound on the same day, under the existing laws, for the payment, to wit.

Sheriff, for revenue of 1813,	\$ 8 33
Attorneys, for 1819,	86 96
Purchasers of non-residents' lands,	236 49
Warrants unpaid,	2,828 54
Town of Columbus,	1,533 10
Attorneys,	1,544 32
Salaries,	3,621 40
Treasurer town of Waidborough,	05

Total debts due from government on the 10th day of October, 1826 \$9,859 18

No. 5.

A Statement shewing the debits and credits of the revenue of 1824, due from Sheriffs, during the year ending on, and including the 10th day of October, 1826, viz.

DEBITS.

Balance on the books, 10th October, 1825,	\$85,011 15
Additional lists,	79 81
Warrants issued for accounts overpaid,	77 03
Costs,	33 11

Total debits, \$85,201 10

CREDITS.

Amount paid Treasurer,	\$71,929 43
Delinquents, exonerations, forfeited lands, and errors corrected,	3,299 82
Commissions for collecting,	6,301 87
Wolves killed,	1,752 50

Total credits, \$83,283 62

Balance due government, on the 10th day of October 1826, as per Statement No. 3, \$1,917 48

No. 6.

A Statement shewing the debits and credits of Clerks Accounts, for collection of law process, deeds, seals, &c. for the year ending on, and including the 10th day of October, 1826, viz.

DEBITS.

Balance due 10th day of October, 1825,	\$ 3,962 57
Accounts rendered,	14,413 50
Costs,	302 14

Total debits, \$18,678 21

CREDITS.

Amount paid Treasurer	\$9,570 59
Commissions for collecting	720 22

Total credits, \$10,290 81

Balance due government, on the 10th day of October, 1826, as per Statement, No. 3, \$8,387 40

No. 7.

A Statement showing the probable amount of expenditures of the government, for the year ending on and including the 10th day of October, 1827, to wit:

For the annual salaries of the officers of the executive and judiciary departments, attorney general and attorneys for the commonwealth,	\$40,000
Ex officio services of clerks, copying lists of taxable property, &c.	10,000

Legislature, December session, 1826, and all expenses incident thereto, (supposing the Legislature to sit seven weeks,)	30,000
Military expenditures,	600
Public communications,	2,000
Sheriffs, comparing polls,	1,000
Criminal prosecutions,	20,000
The execution of slaves,	3,000
Printing and binding Acts and Journals of December session, 1826,	3,000
Jailors, attending circuit courts, &c.	8,500
Contingent expenses,	3,000
Executive offices, for fuel, stationary, &c.	2,000
Money refunded, taxes twice paid, &c.	700
Purchasers of non-residents' lands,	230
Lunatic Asylum,	7,000
Surveyors, for copying entries, &c.	500
Distributing Acts and Journals, Dec. session, 1826,	400
Kentucky Institution for the tuition of the Deaf and Dumb, for the support of indigent pupils,	2,500
Decisions of the Court of Appeals,	3,000
Public printers, for advertising non-residents' lands,	100
Drawbacks on vacant lands,	200
Sheriffs, for revenue overpaid,	200
Public roads,	100

Total amount expected to be expended, \$138,030

No. 8.

A Statement of the amount of monies which is expected to be paid into the Treasury in the year to end on and including the 10th day of October, 1827, subject to the expenses of government, to wit:

The gross amount of revenue collectable by sheriffs for the year 1825, and made payable on the first Monday in December next, is \$104,896 20

The loss on the collection of the revenue by sheriffs this year, including commissions for collecting, insolvents, compensation for killing wolves, and sundry other credits which are allowed the sheriffs, is presumed will be about 18 per cent. amounting to 18,880 31

Leaving \$86,015 89

E

Of which said revenue was paid previous to the 10th
of October, 1826, \$1,100
The delinquents on the part of the sheriffs this
year, will be about 2,000—3,100 00

Which leaves a sum that may be expected with some
certainty to be collected and paid into the Treas-
ury, during the ensuing year, of \$82,915 89
From clerks for taxes on law process, deeds, seals,
&c. including also the amount expected to be re-
ceived from the Secretary of State and Register
of the land-office, will be about 13,000 00
For miscellaneous receipts, 50
For taxes on non-residents lands, 3,000
From the Bank of the Commonwealth of Kentucky, 40,000 00
From Bank stock fund, to-wit: vacant lands, 6,000
From the sale of lands west of Tennessee River, 10,000
From the sale of lands east and west of Cumberland
River, in the state of Tennessee, 1,000
Of the balances stated to be due Government as in
statement No. 3, will be collected of the revenue
due from Sheriffs, about 1,500
Ditto as due from clerks, will be collected about 2,000
Ditto as due from the Penitentiary, 1,000
Ditto as due from debts receivable, 1,669 20
Of the other balances, nothing can be expected with
any degree of certainty to be collected.

Total amount expected to be received, \$162,135 09
Balance due from Government as per statement
No. 1, in Commonwealth money, 20,820 58
Ditto, ditto, ditto, No. 4, 9,858 18
Amount of statement No. 7, 138,030 00

Making \$168,709 76
From which deduct the amount expected to be re-
ceived as stated above, \$162,135 09

Leaving a balance due from the Government on the
10th day of October 1827, of \$6,574 67

No. 9.

A statement exhibiting the amount of revenue receivable by the clerks and sheriffs of each county, during the year ending on and including the 10th day of October 1826, and the amount of expenditures of each county, same time, also shewing the difference between the revenue and expenditures, to-wit:

Counties.	Expenditures.		Revenue.		Net Revenue		Expenses exceeding the Revenue.	
	D.	C.	D.	C.	D.	C.	D.	C.
Adair	771	19	1164	58	393	39		
Allen	469	66	574	46	104	80		
Bourbon	1095	32	4303	34	3208	02		
Bath	930	75	1264	17	333	42		
Barren	539	48	1745	07	1205	59		
Bullitt	506	33	750	41	244	08		
Breckinridge	639	33	948	43	309	10		
Boone	488	58	1019	50	530	92		
Bracken	496	15	631	60	135	45		
Butler	332	91	313	85			19	06
Clay	343	40	325	45			17	95
Caldwell	1551	87	1089	64			462	23
Clarke	794	75	2331	12	1536	37		
Campbell	479	27	789	54	310	27		
Christian	848	74	2496	98	1648	24		
Cumberland	599	39	937	79	338	40		
Casey	425	46	362	52			62	94
Calloway	726	14	148	19			577	95
Daviess	333	20	454	33	121	13		
Estill	416	78	340	83			75	95
Edmondson	180	88	19	50			161	38
Fayette	1517	10	7499	05	5981	95		
Floyd	623	83	269	99			353	84
Fleming	712	75	1617	97	905	22		
Franklin	2335	83	2624	38	288	55		
Grayson	435	94	339	60			96	34
Greenup	604	70	504	21			100	49
Garrard	1123	58	2070	70	947	12		
Green	979	47	1802	08	822	61		
Gallatin	511	64	637	45	125	81		
Grant	252	14	177	07			75	07
Graves	506	20	53	67			452	53
Hardin	896	38	1216	99	320	61		
Harrison	3390	73	1912	49			1478	24
Henry	1762	94	1695	01			67	93

Counties.	Expenditures.		Revenue.		Net Revenue		Expenses exceeding the Revenue.	
	D.	C.	D.	C.	D.	C.	D.	C.
Henderson	1007	35	683	84			324	01
Hopkins	1273	65	826	40			447	25
Hart	830	46	594	06			236	40
Harlan	155	03	165	54	10	51		
Hickman	123	61	80	51			43	10
Jefferson	2406	60	7358	44	4978	84		
Jessamine	459	20	1534	78	1075	58		
Knox	1030	80	377	11			653	69
Lincoln	918	30	1993	53	1075	23		
Logan	1201	57	2487	95	1286	38		
Livingston	659	31	806	76	147	45		
Lewis	417	42	364	24			53	18
Lawrence	590	81	142	71			448	10
Laurel	38	00					38	00
Madison	1451	93	3026	49	1574	56		
Mason	1553	63	2844	83	1291	20		
Mercer	1412	51	3118	25	1705	74		
Muhlenberg	395	87	621	47	225	60		
Montgomery	995	35	1540	06	544	71		
Monroe	697	04	502	41			194	63
Morgan	221	26	93	76			127	50
Mead	256	39	358	58	102	19		
McCracken	60	05	35	70			24	35
Nelson	925	32	2406	65	1481	33		
Nicholas	807	14	1005	14	198	00		
Ohio	504	39	508	05	3	66		
Owen	295	76	572	62	276	86		
Oldham	495	41	1166	15	670	74		
Pulaski	911	34	760	72			150	62
Pendleton	486	44	380	75			105	69
Perry	815	90	116	19			699	71
Pike	865	88	143	76			722	12
Rockcastle	255	85	330	29	74	44		
Russell	68	00					68	
Scott	1663	73	2648	32	984	59		
Shelby	960	80	3356	59	2395	79		
Simpson	579	26	823	85	244	59		
Spencer	320	13	1144	67	824	54		
Trigg	374	59	728	99	354	40		
Todd	347	00	1581	06	1234	06		
Union	457	22	755	67	298	45		
Woodford	706	38	3075	17	2368	79		
Warren	1220	96	1970	09	749	13		

Counties.	Expenditures.	Revenue.	Net Revenue.	Expenses ex- ceeding the Revenue.
	D. C.	D. C.	D. C.	D. C.
Wayne	1543 61	889 19		654 42
Washington	1330 43	2559 84	1229 71	
Whitley	1450 48	200 89		1249 59
	64,165 17	101,103 41	47,218 12	10,242 26

Revenue, - - - \$101,141 03

Expenditures, - - - 64,165 17

Net Revenue, - - - \$36,975 86

No. 10.

A Statement, exhibiting a list of balances due on headright claims, from each county, (as originally granted,) on the 10th day of October, 1826, to wit:

Court granted by.	Claims partial- ly paid on.	Claims on which nothing has been paid.
	D. C.	D. C.
Commissioners of 1796, - - -	551 58	328
Do. 1798, - - -	9479 29	13019 90
Adair County Court, - - -	1849 49	4719 87
Barren do. - - -	2123 73	5483 45
Bourbon do. - - -	23 20	96
Christian do. - - -	12357 10	30555
Clay do. - - -	149 12	225
Cumberland do. - - -	1949 90	6415
Casey do. - - -	9 60	41
Franklin do. - - -	31 18	61
Floyd do. - - -	132 28	3567
Green do. - - -	859 80	5579 50
Hardin do. - - -	40 81	287 50
Henry do. - - -	2	31
Henderson do. - - -	3313 22	10524
Jefferson do. - - -	09	10
Jessamine do. - - -	50	59
Knox do. - - -	3081 41	3000 50
Lincoln do. - - -	1680 96	2340 38
Logan do. - - -	8167 03	49874 50
Livingston do. - - -	9936 66	23090

Court granted by.			Claims partially paid on.		Claims on which nothing has been paid.	
			D.	C.	D.	C.
Muhlenberg County Court,	-	-	3604	53	6247	30
Mason do.	-	-			40	
Montgomery do.	-	-	36	38	38	
Mercer do.	-	-	8	18		
Madison do.	-	-	305	75	777	50
Nicholas do.	-	-	2	80	136	50
Ohio do.	-	-	7	50	75	
Pendleton do.	-	-	39	50	145	
Pulaski do.	-	-	4036	22	7705	40
Warren do.	-	-	6235	35	15023	
Wayne do.	-	-	2065	04	4605	
Washington do.	-	-	2	50	466	
			72,082	70	194,566	30

Claims partially paid on - - - \$72,082 70

Claims on which nothing has been paid, 194,566 30

Total amount due, - - - \$266,649 00

All of which is respectfully submitted.

PORTER CLAY, *Auditor Public Accounts.*

The Speaker laid before the Senate a letter from the Treasurer, covering his annual report: which was read as follows, viz:

STATE OF KENTUCKY,

Treasurer's Office, December 6th, 1826.

SIR—You will please lay before the honorable house over which you preside, the enclosed statement, which commences with my appointment as Treasurer, and gives a concise view of the situation of the Treasury, from the 16th of December 1825, to the 10th of October 1826, inclusive.

Respectfully Yours,

JAMES DAVIDSON, TR.

HON. R. B. McAFEE, *Speaker of the Senate.*

No. 1.

A statement of Monies received at the Treasury, from the 16th day of December 1825, to the 10th day of October 1826, inclusive.

BANK STOCK FUND.

Amount received on Headright Lands	672	53	
Vacant Lands,	2,463	85	
Tellico Lands,	30	33	—3,166 71

Lands West of Cumberland River,	1,196	50
Lands East of Cumberland River,	61	1,257 56
Sheriffs,		36,754 43
Clerks,		6,121 65
Penitentiary,		3,799 61
Non Resident Lands,		1,670 57
Miscellaneous Receipts,		60 98
Register of the Land Office,		1,999 07
Secretary of State,		32 30
Treasurer of the Town of Waidsbore,		740 59
Lands West of the Tennessee River,		21,699 80
Received of the Bank of the Commonwealth as re- venue,		31,971 86
Distribution of Stock in Bank of Kentucky up to the 31st of July 1826,		59,670 00

Total Amount Received, \$168,945 07

Received of Debts receivable (Specie,) 500

No. 2.

A statement exhibiting the Amount of Monies, paid for Warrants drawn on the Treasury, from the 16th day of December 1825, to the 10th day of October 1826, inclusive.

Drawbacks on Vacant Lands,	52	10
Penitentiary for loans,	1031	90
Salaries of the Executive and Judiciary departments,	21,615	33
Legislature November Session 1825,	11,757	20
Appropriations same time,	21,653	70
Public Printer,	84	22
Support of lunatics,	5,469	12
Criminal prosecutions,	13,375	51
Commissioners of tax,	1,756	20
Jailors for attending on circuit courts,	5,989	01
Clerks, for record books, &c.	5,808	14
Sheriffs for comparing polls,	60	70
Executive offices,	1,315	62
Contingent expenses,	799	11
Public roads,	25	50
Electors,	9	
Military expenditures,	173	54
Distributing acts of Assembly,	280	
Slaves executed,	50	
Lunatic Asylum,	2,500	
Surveyors, for copying entries, &c.	10	62
Deaf and Dumb Asylum,	1,972	46
Money refunded,	558	31
Purchasers of non-residents lands,		62

Reporter court of appeals,	24
Public communications,	1,266 61
Attornies for the Commonwealth,	3,277 06
Total amount of Warrants paid,	\$100,915 65
Amount of stock subscribed in the Bank of the Commonwealth during same time,	88,850
Total expenditures,	\$189,765 65
From which take the amount of receipts as in statement No. 1.	168,945 07
Balance due from Government on 10th Oct. 1826,	\$20,820 58
Balance remaining in the Treasury on the 10th Oct. 1825, (in specie,)	500
Received as above,	500
Total in Treasury on the 10th day of October, 1826, (in specie,)	1000
There still remains in the Treasury, same time, in Illinois money,	20
The foregoing statement is respectfully submitted to the Senate.	
JAMES DAVIDSON, Tr.	

1. Mr. Selby presented the petition of sundry citizens of Adair county, praying that the state price on one hundred and ninety acres of land in said county, owned by Obadiah Woodrum, may be remitted.

2. Also the petition of sundry citizens of Russell county, praying that a law may pass, allowing an additional justice of the peace and constables to said county.

3. Mr. James Allen presented the petition of Thomas Carter, praying that a law may pass authorizing the sale of a small tract of land lying in Green county, belonging to his four infant children.

4. Mr. Yancey presented the petition of the trustees and sundry citizens of the town of Glasgow, praying that a law may pass authorizing the trustees to sell such streets or parts of streets in said town as they may deem useless.

5. Mr. Hickman presented the petition of Hugh Talbot, the trustees of Millersburg, and sundry citizens of said town and its vicinity, praying that a law may pass directing a sale of the meeting house on the public square in said town, for the purpose of refunding to the said Talbot the amount advanced by him towards building said house.

6. Mr. Beatty presented the petition of sundry citizens of Wayne county, praying that a law may pass establishing an election precinct in said county.

7. Mr. Given presented the petition of Samuel D. Waltman, praying a divorce from his wife Catharine L. Waltman.

8. Mr. Stephens presented the petition of Christopher Dicken, praying that a law may pass authorizing him to locate five acres of land in Green river, at the long falls near Vienna, and to build a dam in said river, for the purpose of working a water grist mill.

9. Mr. Barrett presented the petition of sundry citizens of Harrison county, praying that a law may pass appointing commissioners to view and mark the nearest and best way for a road from Cynthiana to Maysville.

10. Mr. Beatty presented the petition of John Chesney representing that he and two other persons are jointly indebted to the Penitentiary, the sum of one hundred dollars, that those persons are insolvent, and praying to be released from the payment of their proportion of said debt.

11. Mr. Andrew S. Hughes presented the petition of Sally Catchcart, praying a divorce from her husband Joseph Catchcart.

12. Mr. Beatty presented the petition of sundry citizens of Wayne county, praying for the removal of the seat of justice of said county.

13. Also a petition counter thereto.

14. Mr. Given presented the petition of William Asherst, praying a divorce from his wife Mary Asherst.

15. Mr. Beatty presented the petition of sundry persons, praying that compensation be made to Peter Elis of Wayne county for keeping his son George Elis, a lunatic.

16. Mr. Slaughter presented the petition of Nancy Sternmons, widow and administratrix of the estate of Jacob Sternmons deceased, praying that a law may pass authorizing the sale of the real estate of the deceased, for the purpose of paying his debts.

Which petitions were severally received, read and referred, the first to a select committee of Messrs. Selby, James Allen and Wood; the second, fifth, sixth, eighth, ninth, tenth, twelfth and thirteenth, to the committee of propositions and grievances; the third to a select committee of Messrs. James Allen, Crutcher and Cunningham; the fourth and fifteenth to the committee for courts of justice; the seventh, eleventh and fourteenth to the committee of religion, and the sixteenth to a select committee of Messrs. Beatty, Andrew S. Hughes and Given.

The Senate received from the Governor, by Mr. Loughborough, assistant secretary, a message in writing.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. Beatty—A bill to reduce the price of the vacant land between Walkers' line and the latitude 36° 30' north, and east of Cumberland River.

And by Mr. James Allen—A bill for the benefit of the heirs of Josiah Bass deceased.

Which bills were severally received, and read the first time and ordered to be read a second time.

Mr. Daviess read and laid on the table a joint resolution, proposing an amendment to the Constitution of the United States.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Garrard—A bill to amend and reduce into one the several acts concerning the turnpike and wilderness road.

And on the motion of Mr. Given—A bill to further regulate the sales of land west of the Tennessee River.

Messrs. Garrard, Green, Lockett, Woods and Faulkner were appointed a committee to prepare and bring in the former, and Messrs. Given, Lockett, Slaughter, M'Connell, A. S. Hughes, Chilton Allan, Cunningham and Beatty the latter.

Mr. Martin H. Wickliffe, moved for leave to bring in a bill to take the sense of the good people of this Commonwealth as to the expediency of calling a convention.

The bill presented on the said motion was laid on the table.

The second reading of a bill to remove the unconstitutional obstructions which have been thrown in the way of the court of appeals, was dispensed with, and said bill committed to a select committee of Messrs. M'Connell, Green, Chilton Allan and Robert Wickliffe.

The Senate received a message from the House of Representatives, announcing the passage of bills of the following titles, viz:

An act to change the names of Nancy and Elizabeth Murphey;

And an act to authorize the editors of certain newspapers to insert certain advertisements.

Which bills were read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the former, and the second and third readings of the latter bill, having been dispensed with, the former was committed to a select committee of Messrs. Given, Lockett, Cunningham and Chilton Allan.

Resolved, That the latter bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Daviess inform the House of Representatives thereof.

Mr. Beatty read and laid on the table a joint resolution for the adjournment of the General Assembly to the town of Lexington.

And then the Senate adjourned.

THURSDAY, DECEMBER 7, 1826.

The Senate assembled.

1. Mr. Yancey presented the petition of sundry citizens of Barren county, counter to a petition to add a part of said county to the county of Allen.

2. Also the petition of sundry citizens of Allen county, praying that a part of said county be added to the county of Barren.

3. Mr. Cockerill presented a petition counter thereto.

4. Mr. McConnell presented the petition of Joseph R. Ward, clerk of the Lawrence circuit court, praying that a law may pass legalizing the proceedings of said court, in taking from him his official bond.

5. Also the petition of Benjamin Plummer, praying that he may be released from the payment of \$88, due by him to the Branch Bank of the Commonwealth at Flemingsburg.

6. And Mr. Given presented the petition of sundry persons praying that a law may pass, granting to John M'Laughlin a quarter section of land west of the Tennessee River.

Which petitions were severally received, read and referred; the first, second, third, fifth and sixth to the committee of propositions and grievances, and the fourth to the committee for courts of justice.

Mr. Wood presented the petition of sundry citizens of the counties of Cumberland, Wayne and Russell, praying for the formation of a new county out of parts of each of said counties, and moved that the same be received and read:

And the question being taken thereon, it was decided in the negative.

Mr. Garrard from the majority on the said vote, then moved a reconsideration thereof;

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Beaty and Green, were as follows, to-wit:

YEAS—Messrs. Charles H. Allen, Barrett, Dudley, Gibson, Green, Garrard, Given, Hickman, Andrew S. Hughes, John Hughes, Lockett, McConnell, O'Bannon, Slaughter, Smith, Stephens, Ward, White, Wood and Yancey—20.

NAYS—Messrs. Chilton Allan, James Allen, Beaty, Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Faulkner, Selby, Martin H. Wickliffe, and Woods—12.

The further consideration of said motion was then postponed until to-morrow.

Mr. James Allen from the committee of propositions and grievances, made the following report, to-wit:

The committee of propositions and grievances, have according

to order, had under consideration sundry petitions, to them referred, and have come to the following resolutions thereon.

1. *Resolved*, That the petition of Christopher Hains for leave to erect a mill dam across Big Barren river, is reasonable.

2. *Resolved*, That the petition of John Whitney, Thomas Whitney, and Uriah Whitney for leave to erect a mill dam across Big Barren river, is reasonable.

3. *Resolved*, That the petition of Eleanor and Julia Harrison, heirs of Sarah Harrison, deceased, for the remission of the state price on four hundred acres of land lying in Allen county, is reasonable.

4. *Resolved*, That the petition of the widow and heirs of William Leach, deceased, for the remission of the state price on one hundred acres of land, lying in Lincoln county, is reasonable.

5. *Resolved*, That the petition of Sally Williams, of Lincoln county, for the remission of the state price on three hundred and eighty acres of land, lying in said county, is reasonable.

Which were twice read and concurred in.

Ordered, That the committee of propositions and grievances prepare and bring in bills pursuant thereto.

Mr. Charles H. Allen from the committee for courts of justice reported, a bill more effectually to prevent the importation of slaves.

And Mr. Selby from the select committee appointed for that purpose reported, a bill for the benefit of Obadiah Woodrum.

Which bills were received and read the first time and ordered to be read a second time.

Ordered, That the Public Printer, forthwith print one hundred and fifty copies of the former bill for the use of the members of the General Assembly.

Mr. M'Connell from the select committee to whom was referred, a bill to remove the unconstitutional obstructions which have been thrown in the way of the court of appeals, reported the same with amendments; which being twice read were concurred in, and the said bill as amended was committed to a committee of the whole house, on the state of the Commonwealth, for tomorrow.

Ordered, That the Public Printer forthwith print one hundred and fifty copies of said bill for the use of the members of the General Assembly.

Mr. Beatty moved the following resolution, to-wit:

Whereas, it is represented, that from some cause unknown, John Whiles, who was nominated by the Governor, at the last session, as a fit person to command the 44th Regiment, was overlooked, and the Senate neglected to advise and consent to the nomination.

Resolved, Therefore, that the Senate do now advise and con-

sent to the nomination and appointment of the said John Whiles, as Colonel-Commandant of the 44th Regiment, Kentucky Militia, and that the Governor commission him accordingly.

Which being twice read, was adopted.

Ordered, That Mr. Beaty inform the Governor thereof.

Mr. Given, from the committee to whom was referred a bill from the House of Representatives, entitled, "An act to change the names of Nancy and Elizabeth Murphy," reported the same with an amendment, which being twice read was concurred in.

Ordered, That the said bill, as amended, be read a third time.

And thereupon, the rule of the Senate, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, "An act to change the names of Nancy Murphy and others.

Ordered, That Mr. Given inform the House of Representatives thereof, and request their concurrence in said amendment.

Mr. Stephens, from the select committee appointed for that purpose, reported a bill to amend the law in relation to the relinquishment of dower; which was received and read the first time, and ordered to be read a second time.

And then the Senate adjourned.

FRIDAY, DECEMBER 3, 1826.

The Senate assembled.

Mr. Yancey, from the joint committee of enrolments, reported that the committee had examined an enrolled bill of the following title, "An act to authorize the editors of certain newspapers to insert certain advertisements," and had found the same truly enrolled.

The Senate received a message from the House of Representatives announcing that their Speaker had signed said bill.

Whereupon the Speaker of the Senate signed the same, and it was delivered to the joint committee to be laid before the Governor; and after some time Mr. Yancey reported that they had performed that duty.

1. Mr. McConnell presented the petition of Margaret Alice Tracy, praying a divorce from her husband Isaac Tracy.

2. Mr. Barrett presented the petition of the administrators of the estate of Samuel Griffith, deceased, praying that a law may pass authorizing a sale of the real estate of the deceased, for the purpose of paying his debts.

3. And Mr. Slaughter presented the petition of the members of Russellville Lodge No. 17, praying that they may be authorized to raise by lottery, a sum of money to enable them to finish a masonic hall.

Which were severally received, read and referred; the first and third to the committee of propositions and grievances, and the second to the committee for courts of justice.

The following bills were reported from the committees appointed to prepare and bring in the same:

By Mr. Beaty—A bill for the benefit of Peter Ellis.

And by Mr. Wood—A bill for the benefit of Headright and Tellico settlers, and for other purposes.

Which were severally read the first time and ordered to be read a second time.

On the motion of Mr. Given, leave was given to bring in a bill for the benefit of Ideots; and Messrs. Given, Crutcher, Selby, Beaty, Chilton Allan and Green, were appointed a committee to prepare and bring in the same.

Mr. Faulkner read and laid on the table a joint resolution appointing commissioners to examine the Receiver's office west of the Tennessee river.

The Senate received a message in writing from the Governor, by Mr. Loughborough, assistant secretary, containing the nomination of James Elder as major general of the 14th division.

The Senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the Commonwealth, Mr. Faulkner in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Faulkner reported that the committee had, according to order, had under consideration a bill to remove the unconstitutional obstructions which have been thrown in the way of the Court of Appeals, and had gone through the same without amendment; which bill he handed in at the clerk's table.

And then the Senate adjourned.

SATURDAY, DECEMBER 9, 1826.

The Senate assembled.

The Speaker laid before the Senate, a letter from the President of the Bank of the Commonwealth, enclosing his annual report, of the situation of that institution; which letter and report are as follows, to-wit.

BANK OF THE COMMONWEALTH OF KENTUCKY,
FRANKFORT, DECEMBER 9th, 1826.

Sir—I have the honor to transmit herewith, a Report of the situation of this Bank, which please lay before the Senate.

Very respectfully, your obedient servant,

O. G. WAGGENER, *President.*

HON. ROBERT B. McAFEE, *Speaker of the Senate.*

FRANKFORT, DECEMBER 9th, 1826.

*To the members of the Senate,
and of the House of Representatives,*

Since the last session of the General Assembly, John J. Marshall, Esq. who was then elected president of the Bank of the Commonwealth of Kentucky, has resigned: The Board of Directors have appointed me his successor.

I have the honor, herewith to transmit to the General Assembly, a Report of the Cashier of the said Bank, exhibiting a condensed view of the situation of the institution on the 1st of October, 1826. Lists of the debtors, so far as they have been forwarded by the branches, with remarks as to the good, bad, and doubtful debts, have been laid before the House of Representatives.

In the administration of the affairs of this institution, the Directory conceive they have little more to do than to conform to the laws and rules prescribed to them, by the Legislature. They are, nevertheless, sensible that there is still a trust confided to them of a nature sufficiently extensive and important, to require their utmost watchfulness and vigilance, by which alone, can the concerns of the Bank be conducted to that successful result, which its friends have anxiously anticipated, and the welfare of the country demands.

Among the most important objects appertaining to their duties the Directory have regarded that which relates to the security of debts, as requiring most attention. How far they have been successful in this particular, your honorable body will have an opportunity of judging from the lists of debtors, laid before the other branch of the Legislature. In order to be informed, as fully as practicable, of the concerns and situation of the whole institution, I undertook, at the request of the Board, during the summer and autumn, to visit the branches in person.—I endeavoured, in performing this duty, particularly to ascertain the extent of the losses, and doubtful debts, which were then supposed to exist, according to the knowledge of the officers of the branches. From the information then obtained, and from such as has since been furnished by the branches, the whole extent of the debts deemed desperate, or bad, are estimated at \$11,800, and such as are doubtful, at \$15,900. This account, however, must be taken with some allowance for the want of that minute and accurate information, which the officers, and even the Directors themselves, in every instance, are not supposed to possess, in relation to every individual, who may be debtor to the Bank. It is, however, sufficiently accurate for the general purpose of furnishing an idea of the extent of the losses which the institution may reasonably calculate on sustaining, during its progress towards its close: Although, in the constant changes in the for-

tunes and circumstances of men, occasional losses to the Bank are to be expected; yet, from the large proportion of the debt already collected thereby, so much lessening the amount due in each individual case, it cannot be reasonably apprehended that losses will occur in a greater proportion than is already ascertained to have taken place. The regular curtailment of the debts of individuals, adopted by the Bank at the commencement of its operations, and since enjoined by law, has been uniformly persevered in. On the part of the debtors, however, that promptness and punctuality, with which they heretofore met this requisition, seems for a few months past, to have very sensibly declined. The amount of debts sued on, as reported to the last session, was \$281,399 94. It is now reported at \$383,238 05. To this, may be added, a large amount of notes due, only a short time before the 1st of October, which not being sued on are not embraced in the Report, and will constitute, together with the notes in suit an aggregate of delinquent debtors, in amount exceeding one-fourth of the whole amount of debt due from individuals to the Bank.

Whether this increase of delinquency has been occasioned by the gradual withdrawal of the notes of this Bank from circulation, or whether it is owing to the depression lately experienced in the prices of labor, and the products of our soil, in foreign markets, is a question which perhaps, if necessary to be decided, belongs more properly to your honorable body. If the Directors, however, be allowed to offer any remarks upon this subject, they would not hesitate to attribute to the latter cause, the existence of those difficulties. Taking it for granted that specie has again resumed its office as a medium of exchange, and that the dealing and commerce of the country, is now generally regulated by that standard; the notes of this Bank, therefore, must have become an article of sale and purchase in the market, and as long as they continue to be of the same value, the facility or difficulty with which they are acquired, will be regulated entirely by the facility, or difficulty with which specie is obtained through the medium of commerce, and intercourse with foreign markets. The paper of this Bank, during the last winter and spring, rose in value to seventy-five cents in the dollar, and continued to pass at that rate until eight or ten weeks past. During this time the depression in foreign markets, in the prices of produce had not began very sensibly to be felt. The disappointment in disposing of the crops then on hand, for the usual prices, had not been entirely realized, and the debtors to the Bank continued with their usual punctuality, to meet their calls and discounts.—As soon, however, as these effects began to be felt in the community, they were felt by the Bank in the increasing delinquency of its debtors. The paper about this time, from a mo-

mentary cause, depreciated as low as sixty-two and sixty-six cents in the dollar; yet the debtors found themselves unable to obtain it, even at this rate, with the same facility they had previously done, when it was at seventy-five cents in the dollar. The scarcity of the paper could not have produced these effects, because the fact of its diminished value proves that there was more of it in the market than could be readily disposed of for specie, otherwise it would never have depreciated. Had the usual prices of labor and the products of the soil continued, the debtor would have found less difficulty in meeting the demands of the Bank in this latter period, when the paper had been in a considerable degree lessened by the usual course of curtailment, than in the former, when the general amount in circulation was greater; because, the same amount in specie would have purchased a greater quantity of paper in the latter, than in the former. These remarks are designed to shew that it is the value and not the quantity of the paper, which operates upon the ability of the debtor to meet the demands of the Bank; but that the quantity of the paper in circulation, in a general way, does not materially operate upon and regulate its value, the Directory do not mean to contend.

The notes in circulation on the 1st day of October, amounted to \$1,111,531 12, having been reduced since the report made at the last session \$324,708 54; of this sum there was paid into the Bank, as stock, by the Treasurer for money received on the sales of land west of the Tennessee River, and other vacant lands, \$29,180, and as a part of the states portion of the stock in the Bank of Kentucky, \$59,670. The residue is the amount paid in as calls on the debts due the Bank.

The means set apart to redeem these notes consist of the debts due from individuals, amounting to 1,627,008 68. Real estate of the value of \$32,397 87, and stock in the Bank of Kentucky, nominally worth \$358,020, but is only worth, at this time, in the market, \$238,630; amounting in all, to the sum of \$1,898,086 55; affording an excess over and above the amount of notes to be redeemed of \$786,555 43. The amount of notes under discount has been reduced since the last report, \$283,531 67, making a reduction of something like twelve per cent. for the present year, on the amount under discount at the time of the passage of the law, requiring a curtailment at that rate.

The net profits of the Bank for the present year, amount to \$48,641 26, which sum has in obedience to the law of the last session, been carried to the credit of the Treasurer, and which, together with other payments made by that department since the commencement of the present session, left a balance in its favor on this day, of \$5,580 77. The profits have considerably diminished when compared with the report made at the last ses-

sion, being now less by \$23,713 05. The diminution besides being the natural consequence of the curtailment of the debt upon which discounts are received, is accounted for in the unusual amount of notes lying over at the date of the Report, and upon a great portion of which, for some time back, no interest has been received. The expenses of the present year, amount to \$28,081,09 being \$7,656,28 less than the expenses of the last year.

In relation to the law of the last session, depriving the branches of their Clerks, there are two considerations of an opposite character, having weight with this Board, which they are desirous of stating to your honorable body. If they deserve your consideration you will determine which shall preponderate. The one is its operation in lessening the expenses, and the other its effects in weakening the security of the institution. To provide for the first by removing every unnecessary cause of expenditure, surely demands the superintending care of the Legislature: but to guard against the latter by affording the means of a direct and sure accountability of its immediate officers, and agents, requires still more imperiously their care and attention.

It will occur to every man, having the least experience in the accounts and books of a Bank, or in any other department which is the depository of money; that the accounts should be kept by a person, other than the one who is to be the accountable individual. By what other means is the correctness of the account to be tested, or the extent of the responsibility of the accounting officer to be ascertained. Is it any evidence, because an individual, who is in the daily receipt of money, and keeping his own accounts, reports that at a particular time he had received a particular sum, that, therefore, he had not received a greater sum. There are sundry items constituting a Bank Report, any of which may be augmented, or diminished at pleasure, so as to produce a true balance, and thus to cover any defalcation which may exist. It would be impossible, in such a case, without a minute examination of the books and accounts, comparing one with another, and scarcely then, in every instance, that a fraud of this kind could be detected. Checks of some kind have always been considered necessary in the administration of fiscal concerns and to dispense with them altogether in relation to our branches, seems to be confiding too much to the integrity of men and regarding too little the frailty of human nature. The men who are in the exercise of these responsible stations at the branches, as much as any other, deserve the confidence which this law has reposed. The most remote suspicion in their integrity, had nothing to do in causing these remarks. They have been made, because they were thought due to the nature of the sub-

ject. The business of the branches, as they are at present organized, does not afford constant employment for two officers at each. To obviate this objection two or more of the branches may with but little increased inconvenience to the debtors be thrown together, and thereby the restoration of the Clerks will be at a less expense than at present is incurred, in keeping up the whole number of branches without them.

Pursuant to a resolution of the last Legislature the Board of Directors, in the month of February last, did cancel and burn notes of this Bank, to the amount of \$300,010 25; making the whole amount destroyed in this way, \$873,065 50.

There are now in the vaults of the Bank, notes amounting to something short of one million of dollars, collected by calls and paid over in as stock, which can be of no value to the institution, unless a re-issue should again be contemplated. There is some little hazard, at all times, in keeping this amount of notes on hand. Would it not be prudent to direct the destruction of them in the manner heretofore adopted?

At the Bowling Green branch, while on my tour around to the Branches, I found the books, accounts, and papers, in the utmost state of confusion. The Cashier, Mr. Morehead, had been previously confined for a considerable time in a state of ill health, and has since died. To this circumstance, and likewise, to the complicated character of Bank Accounts, which deprived Mr. Morehead the opportunity of employing a person who understood them, may be attributed the disordered condition in which the books were found. On my return home the Board thought it expedient that Mr. Pendleton, our Clerk, should attend there and assist in digesting the accounts, and if practicable, restore them to order. Mr. Pendleton attended, and after devoting several weeks to the business, assisted by the Cashier, who had been appointed to succeed Mr. Morehead, they were not able to arrive at the true state of the accounts, so as to produce a balance. In the course of the investigation it was discovered, that many entries had been omitted, which should have stood as credits on the Books, in favor of the Cashier, amounting to upwards of twenty thousand dollars; after correcting these, there still remained a balance of \$5000. The present Cashier is still engaged in investigating the subject, believing that there is yet an error or omission, which may have caused this balance. The representatives of Mr. Morehead, have pledged themselves, not to give the Bank any trouble on the subject, but will pay up the amount, as soon as it is ascertained that it cannot be traced to any error on the Books.

Suits have been instituted in the Federal Court against the bank, upon its notes, for about fourteen thousand dollars. It is a subject worthy of the deliberations of your honorable body

what should be the course pursued by the Bank, to avoid the serious consequences which judgments and executions against it, in its present condition, would occasion.

O. G. WAGGENER, *President.*

Mr. Andrew S. Hughes presented the petition of Rebecca C. Huett, praying a divorce from her husband John Huett.

Which was received, read and referred to the committee of religion.

Mr. James Allen from the committee of propositions and grievances, made the following report, to-wit:

The committee of propositions and grievances, have according to order, had under consideration, two petitions, and have come to the following resolutions thereon.

Resolved, That the petition of sundry citizens of Russell county, for an additional justice of the peace and constables, in said county *is reasonable*.

Resolved, That the petition of John Cheney, representing that he and two others are jointly indebted to the Penitentiary in the sum of one hundred dollars, that those bound with him are insolvent, and praying to be released from their proportion of said debt, *be rejected*.

Which was twice read and concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant to the first resolution.

A message was received from the House of Representatives, announcing the passage of a bill, entitled, an act to authorize a special term of the Owen circuit court.

The Senate received from the Governor, by Mr. Loughborough assistant secretary, a message in writing, in relation to the running and marking the chartered line between this state and the state of Tennessee.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. James Allen—1. A bill authorizing the trustees of Millersburg to sell a part of the public ground in said town; and 2. A bill allowing additional justices of the peace and constables to certain counties.

And by Mr. Crutcher—3. A bill to repeal an act, entitled, "an act to alter the mode of taking in lists of taxable property, approved December 19th, 1825.

Which bills were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate constitutional provision, and second reading of the first and second bills having been dispensed with, they were ordered to be engrossed and read a third time.

To fac

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Real estate

Principal Bank,	
Branch in Bowlin	1,729 89
Flemin	5,793 67
Falmou	210
Greens	3,766
Hartfor	456 41
Harrod	794 78
Lexing	3,410
Louisvi	610
Mounts	15,557 12
Princet	
Somerset	70
Winche	

32,397 87 1/2

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To face page 52.]

A STATEMENT

[SENATE JOURNAL,

Of the Situation of the Bank of the Commonwealth of Kentucky, on the 1st day of October, 1826.

															CASH ON HAND.				A. Morehead, late Cashier.
	Stock.	Literary Fund.	Notes payable.	Discounts.	Individual depositors.	Due to other Banks.	Legislative Deposite.	Notes with- drawn and boxed up.	Notes under discount.	Notes in suit.	Real estate	Due from other banks	General expenses.	Due from Treasurer.	Eastern Notes	Notes on B. of Ken.	U. S. Notes and Specie.	Notes on bank of Com. & Br.	
Principal Bank,	423,218 63	8,496 92	210,841 31	2,577 57	47,734 45	184,004 29	422,212 16	115,907 75	158,371	57,312	1,729 89	64,641 21	1,822 36	18,826 85	240 00	511 25	3,497 71	876,225 31	5,000
Branch in Bowlinggreen		11,615 93	153,840 83	4,710 33	1,936 12	24,782 82		43,656 68	93,783 23	86,211 10	5,793 67		4,001 47				2,096 66		
Flemingsburg		10,173 59	137,000 75	1,055 77	3,235 02	18,556 92		30,011 37	69,138	9,032 23	210	34,201 59	255 28				11,103 27		
Falmouth		8,656 74	127,261 38	806 51	2,058 72			9,095 06	49,717	15,547	3,766	32,184 32	247 61			100	7,206 05		
Greensburg		11,383 69	147,324 25	1,807 02	2,450 32			15,647 26	83,215 92	35,702 14	456 41	32,522 66	975 47				991 62		
Hartford		6,182 14	79,091 06	945 92	1,755 36	17,138		23,275	52,142	26,298 23	794 78	1,504 46	431 32			7	8,281		
Harrodsburg		13,891 33	215,583 83	4,315 41	1,578 87	2,420 25		21,861 41	158,492	38,950 50	3,410	2,37 12	1,582 62			250	8,050		
Lexington		14,597 70	189,489 32	2,848 88	61,476 35	15,864 10		30,794 10	136,787 67		610						125,017 27		
Louisville		17,510 98	237,879 75	2,420 34	7,293 98	73		11,601 23	159,145 12		15,557 12	43,69 35	1,195 19				14,867 17		
Mount Sterling		4,288 23	74,768 51	537 66	11,274 08	11,704 08		55,788 73	42,613 87	29,549 82			319 62				16,956 36		
Princeton		10,621 84	178,934 82	4,355 72	3,029 52	4,934 80		21,090 68	98,899	19,660 87	70	17,37 95	1,339 35				8,780 80		
Somerset		7,380 39	103,058 95	655 86	976 59			43,482 89	55,472 36	22,471 63			230 89				4,044 31		
Winchester		16,117 91	215,339 25	1,974 25	10,628 97				80,993 46	42,502 53			215 99				16,600 07		
	423,218 63	140,917 44	2,070,414 06	29,011 24	155,428 35	279,478 26	422,212 16	422,212 16	1,238,770 63	383,238 05	32,397 87	129,305 92	12,617 17	18,826 85	240 00	1,669 25	12,182 35	1,100,219 83	5,000

RECAPITULATION.

Dr.	Cr.
To Stock, - - - - -	423,218 63
" Literary Fund, - - - - -	140,917 44
" Notes Payable, - - - - -	2,070,414 06
" Discounts, (Since 1st July last,) - - - - -	29,011 24
" Individual depositors, - - - - -	155,428 35
" Amount due to other Banks, - - - - -	279,478 26
" Legislative Deposits, Boxed up and Sealed, - - - - -	422,212 16
	By Notes Withdrawn, (Boxed up and Sealed) - - - - -
	" Notes under Discount, - - - - -
	" Notes in Suit, - - - - -
	" Real Estate, - - - - -
	" Amount due from other Banks, - - - - -
	" General Expenses, (Since 1st July last,) - - - - -
	" Amount due from Treasurer, - - - - -
	" Cash, viz:—Eastern Notes, - - - - -
	Notes on Bank of Kentucky, - - - - -
	Notes on Bank of the United States and Specie, - - - - -
	Notes on Bank of Commonwealth and Branches, - - - - -
	" A. Morehead, late Cashier, - - - - -
	3,520,680 14

EDMUND H. TAYLOR, Cashier

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Mr. Beaty read and laid on the table, a joint resolution for appointing a joint committee to prepare and bring in a bill for the promotion of internal improvements throughout the state.

The Senate then took up a bill to remove the unconstitutional obstructions which have been thrown in the way of the court of appeals, which being amended, was again read as follows, to-wit:

Whereas, the court of appeals, of Kentucky, was created by the Constitution of the state, and the judges thereof hold their offices during good behaviour, and cannot be removed therefrom in any other mode than by impeachment or address. *And whereas*, the Legislature attempted to abolish the constitutional court, and erect one on its ruins, by two acts of Assembly, the one of which was entitled "An act to repeal the law organizing the court of appeals, and to re-organize a court of appeals," which was approved on the 24th December, 1824, and the other of which was entitled, "An act to regulate the salaries of the judges of the court of appeals, and for other purposes," which was approved on the 6th of January, 1825. *And whereas*, the above recited acts, have been decided by the good people of this Commonwealth, at two successive elections, to be dangerous violations of the Constitution, and subversive of the long tried principles upon which experience has demonstrated that the security of life, liberty and property depend; and the present Legislature concurs most solemnly with the people, in the belief of the unconstitutionality and evil tendency of said acts. *And whereas*, the judges of the court of appeals in office at the time of the passage of the said recited acts, did, by virtue of the Constitution, remain in office, the said recited acts notwithstanding; and John Boyle, then chief justice of said court, having since vacated his office, William Owsley and Benjamin Mills are now rightful and constitutional judges of said court, neither of whom having resigned or been removed by either of the aforesaid modes—Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said recited acts be, and the same are hereby repealed, and declared null and void; and every law which was repealed, or changed, or intended to be repealed by said *recited acts*, is hereby revived, re-enacted, and declared to be in full force, and to have in all respects the same effect and operation as if said recited acts had not passed.

Sec. 2. *And be it further enacted*, That hereafter the judges of the court of appeals shall take precedence according to the dates of their respective commissions. And the judge oldest in commission shall *ex-officio* perform the duties of chief justice, without being commissioned as such; and when other vacancies shall occur in said court, in addition to the one now existing, the judges respectively which shall be commissioned to fill such vacancies, shall be commissioned judges of the court of appeals,

without regard to precedence. *Provided*, That nothing herein contained shall be construed to vacate the office of sergeant of the court of appeals.

Mr. Andrew S. Hughes then moved to add to the said bill the following proviso, to-wit:

Provided, That no pay or salary, shall be allowed the said Boyle, Owsley and Mills, or any of their officers or attendants, since the 24th day of December, 1824.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daviess and Hughes, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Cockerill, Daniel, Daviess, Dudley, A. S. Hughes, J. Hughes, O'Bannon, Selby, Smith, Wood and Yancey—14.

NAYS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Given, Hickman, Lockett, McConnell, Muldrow, Pope, Slaughter, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—21.

Mr. Andrew S. Hughes then moved to amend the said bill by attaching thereto the following, to-wit:

Provided, That nothing herein contained shall be so construed as to legalize the proceedings or decisions of the said court, in any case in which they have been governed by any of the acts repealed by the above recited acts.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Yancey and Hughes, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barret, Cockerill, Daniel, Daviess, Dudley, A. S. Hughes, J. Hughes, O'Bannon, Selby, Smith, Stephens, Wood and Yancey—15.

NAYS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, Lockett, McConnell, Muldrow, Pope, Slaughter, Ward, White, M. H. Wickliffe and R. Wickliffe—19.

Mr. Andrew S. Hughes then moved to amend the said bill by inserting after the words, "*recited acts*," printed in italics, in the first section, these words: "except so much of such act or acts as allows to the judges of the court of appeals an annual salary, or increases the said salary or compensation to the sum of fifteen hundred dollars."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daveiss and Yancey, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Cockerill,

Daniel, Daveiss, Dudley, A. S. Hughes, J. Hughes, O'Bannon, Selby, Smith, Wood and Yancey—14.

NAYS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Given, Hickman, Lockett, McConnell, Muldrow, Pope, Slaughter, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—21.

Mr. Andrew S. Hughes then moved to amend the said bill by attaching thereto the following proviso, to-wit:

Provided, That nothing herein contained shall be so construed as to reinstate, or restore to office, as judges of the court of appeals, the said Mills and Owsley, but shall only be taken and considered as a repeal of the above recited acts of 1824 and 1825.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cockerill and Hickman, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Cockerill, Daniel, Daveiss, Dudley, A. S. Hughes, J. Hughes, O'Bannon, Selby, Smith and Yancey—13.

NAYS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Given, Hickman, Lockett, McConnell, Muldrow, Pope, Slaughter, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe, Woods and Wood—22.

Mr. Daviess then moved to amend the said bill by attaching to the first section, the following proviso, to-wit:

Provided however, That all and every act or acts, done under and in pursuance of the before recited acts, so far as said acts are constitutional, shall remain valid, and for the purpose of avoiding expense or litigation, and securing the private rights of the good people of this Commonwealth, by defining what part or parts of said law or laws, are constitutional and what parts are not.

Clause 1. It is therefore declared by the General Assembly of Kentucky, that they have the constitutional power and right to repeal all or any laws, which may have been passed by any previous General Assembly, relative to the Court of Appeals or the salaries of the judges thereof, as provided for in the 1st section of an act to repeal the law organizing the Court of Appeals, and reorganizing a Court of Appeals, approved December 24, 1824.

2d. That the said General Assembly have the constitutional power to establish the Court of Appeals, as provided for in the acts of 1792, 1796 and of 1824.

3d. That the General Assembly have the constitutional power to authorize the Governor to nominate a chief justice, a second, third and fourth associate justices of said court, and that they shall constitute and hold the Court of Appeals, as provided for in the third section of said last mentioned act.

4th. That the General Assembly have the constitutional power to declare the duties of the chief justice of the Court of Appeals, and of each and all of the associate justices, as set forth and provided for in the 4th section of said act.

5th. That the General Assembly have the constitutional power to prescribe the oath which shall be taken by the judges of the Court of Appeals, as provided for in the 5th section of said act.

6th. That the General Assembly has the constitutional power to declare, in what manner the clerk of the Court of Appeals shall be appointed and prescribe his duties, as provided for in the 6th and 8th sections of said act.

7th. That the General Assembly have the constitutional power to direct that one of the judges of the Court of Appeals shall inspect the papers, books and records of the clerk of said court, and report the condition of said office, as provided for in the 7th section of said act.

8th. That the General Assembly have the constitutional power to give authority to the Court of Appeals to administer oaths, punish contempts, establish rules of proceeding, to direct the forms of process and to issue writs, &c. as provided for in the 9th section of said act.

9th. That the General Assembly have the constitutional power to direct how executions shall issue from the Court of Appeals, as provided for in the 10th section of said act.

10th. That the General Assembly have the constitutional power to regulate the mode in which commissions to take depositions shall issue from the Court of Appeals, as directed in the 11th section of said act.

11th. That the General Assembly have the constitutional power to direct whether suitors may appear personally or by counsel, in the Court of Appeals, as provided for in the 12th section of said act.

12th. That the General Assembly have the constitutional power to declare when the Court of Appeals shall be held as provided for in the 13th section of said act.

13th. That the General Assembly have the constitutional right to declare what number of said judges shall be necessary to form a court and what number thereof shall concur in making a decision, whether on statute or constitutional law as provided in the 14th section of said act.

14th. That the General Assembly have the constitutional power to regulate and limit the jurisdiction of the Court of Appeals, as prescribed in the 15th and 16th sections of said act.

15th. That the General Assembly have the constitutional power to define writs of error and appeals, to regulate the security to be taken in appeals and writs of error and to regulate the granting of supercedeases, to provide in what time and manner

records shall be filed, to declare that appeals and writs of error shall be granted on demand, to limit the time of bringing writs of error, and to provide that appeals and writs of error may be amended and to prescribe the rules in appeals and writs of error as provided for in the 17th, 18th, 19th, 20th, 21st, 22d, 23d and 24th sections of said recited act.

16th. That the General Assembly have the constitutional power to declare the extent of the jurisdiction of the Court of Appeals as contained in the 25th section of said act.

17th. That the General Assembly have the constitutional power to authorize deeds, powers of attorney and other writings to be recorded in the clerks office of the Court of Appeals, as exercised in the 26th section of said act.

18th. That the General Assembly have the constitutional power to direct that suits, orders, process and proceedings shall be transferred as exhibited in the 27th section of said act.

19th. That the General Assembly have the constitutional power to revive acts or parts of acts, which have been previously repealed as exercised in the 28th section of said act.

20th. That the General Assembly have the constitutional power to declare how vacancies in the Court of Appeals shall be filled, as exercised in the 29th section of said act.

21st. That the General Assembly have the constitutional power to declare that the judges of the Court of Appeals shall be conservators of the peace, as in the 30th section of said act.

22d. That the General Assembly have the constitutional power to direct in whose custody the papers, records and documents of the Court of Appeals shall be placed as done in the 31st section of said act.

23d. That the General Assembly have the constitutional power to repeal and re-enact pre-existing laws, as exhibited in the 32d section of said act.

24th. That the General Assembly have the constitutional power to authorize the Court of Appeals to appoint a tipstaff and crier, and fix on their compensation, as done in the 33d section of said act.

25th. That the General Assembly have the constitutional power to regulate the duties of the clerks of inferior courts, in relation to the Court of Appeals, as exercised in the 34th section of said act.

26th. That the General Assembly have the constitutional power to repeal conflicting acts of Assembly, and declare when the act under consideration shall take effect, as exhibited in the 35th section of said act.

The division of the question being called for, the question was taken on adopting the first clause of the said amendment, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daveiss and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Cockerill, Daniel, Daveiss, Dudley, A. S. Hughes, J. Hughes, O'Bannon, Selby, Smith, Wood and Yancey—14.

NAYS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, Lockett, McConnell, Muldrow, Pope, Slaughter, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—20.

The question was then taken on adopting the second clause of the said amendment, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daveiss and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Cockerill, Daniel, Daveiss, Dudley, A. S. Hughes, J. Hughes, O'Bannon, Selby, Smith, Wood and Yancey—14.

NAYS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, Lockett, McConnell, Muldrow, Pope, Slaughter, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—20.

The question was then taken on adopting the third clause of the said amendment, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daveiss and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Cockerill, Daniel, Daveiss, Dudley, A. S. Hughes, J. Hughes, O'Bannon, Selby, Smith, Wood and Yancey—14.

NAYS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, Lockett, McConnell, Muldrow, Pope, Slaughter, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—20.

The question was then taken on adopting the balance of the said amendment, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daveiss and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Cockerill, Daniel, Daveiss, Dudley, A. S. Hughes, J. Hughes, O'Bannon, Selby, Smith, Wood and Yancey—14.

NAYS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, Lockett, McConnell, Muldrow, Pope, Slaughter, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—20.

Mr. Stephens then moved to amend the last clause of the preamble of said bill, by striking out, after the word "notwithstanding," these words:

"And John Boyle, then chief justice of said court, having since vacated his office, William Owsley and Benjamin Mills are now

rightful and constitutional judges of said court, neither of whom having resigned or been removed by either of the aforesaid modes."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Stephens and Daveiss, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Cockérill, Daniel, Daveiss, Dudley, A. S. Hughes, J. Hughes, O'Bannon, Pope, Selby, Smith, Stephens, Wood and Yancey—16.

NAYS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, Lockett, McConnell, Muldrow, Slaughter, Ward, White, Robert Wickliffe and Woods—17.

And then the Senate adjourned.

MONDAY, DECEMBER 11, 1826.

The Senate assembled.

Mr. Thomas D. Carneal, Senator from the counties of Campbell and Boone, appeared and took his seat.

The Senate received from the Governor, by Mr. Loughborough, assistant secretary, a message in writing, containing the nomination of John Murphy, Esq. as Sheriff of Jefferson county.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Yancey—1. A bill for the relief of Thomas Combs.

On the motion of Mr. Stephens—2. A bill for the benefit of Christopher Dicken.

And on the motion of Mr. Cunningham—3. A bill for the benefit of the judge of the 13th judicial district.

Messrs. Yancey, Cockerill, and James Allen, were appointed a committee to prepare and bring in the first; Messrs. Stephens, Dudley, Faulkner and Charles H. Allen, the second; and Messrs. Cunningham, Pope, Crutcher and Martin H. Wickliffe the third.

A bill to reduce the price of the vacant land between Walker's line and the latitude 36° 30' north, and east of Cumberland river, was read a second time and ordered to be engrossed and read a third time on to-morrow.

Mr. Carneal presented the petition of William Reddick, Squire Grant, Jacob Fowler, Benjamin Fowler and Chasteen Scott, praying that time be given them to pay a judgment obtained by the Commonwealth, against them, as securities of Benjamin D. Fowler, sheriff of Campbell county.

Which was received, read and referred to a select committee of Messrs. Carneal, Barrett and Gibson.

Ordered, That Messrs. Amos Kendall, Thomas Curry, James G. Dana and Jacob H. Hofeman be permitted to take seats within the Senate chamber, for the purpose of taking sketches of the proceedings and debates of the Senate, during the present session.

The Senate took up the title of a bill to take the sense of the good people of this Commonwealth as to the expediency of calling a convention.

And the question being taken on giving leave to bring in said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Chilton Allan and Yancey, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Given, McConnell, O'Bannon, Pope, Selby, Slaughter, Stephens, Ward, M. H. Wickliffe, Wood and Yancey—21.

NAYS—Messrs. C. Allan, Dudley, Faulkner, Gibson, Green, Garrard, Hickman, A. S. Hughes, Lockett, Smith, White, R. Wickliffe and Woods—13.

Messrs. Martin H. Wickliffe, Slaughter, Carneal, Daveiss and Pope were appointed a committee to prepare and bring in the said bill.

The following bills were reported, to-wit:

By Mr. Cunningham—1. A bill for the benefit of the judge of the 13th judicial district.

And by Mr. Given—2. A bill for the benefit of Idiots.

Which bills were severally read the first time and ordered to be read a second time.

Thereupon the rule of the Senate, constitutional provision and second reading of the latter bill, and second and third readings of the former bill having been dispensed with, the latter was committed to the committee for courts of justice.

Resolved, That the former bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Cunningham carry the said bill to the House of Representatives and request their concurrence.

The Senate received a message from the House of Representatives, announcing that they had passed a bill entitled, "an act to re-establish Todd's Ware-house in Louisville.

A bill to remove the unconstitutional obstructions which have been thrown in the way of the Court of Appeals, was again taken up.

Mr. Crutcher moved to strike out all of the second section of said bill, except the proviso:

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Daveiss and Green, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Dudley, Gibson, Green, Given, Hickman, A. S. Hughes, John Hughes, Lockett, O'Bannon, Pope, Selby, Slaughter, Smith, Stephens, Ward, R. Wickliffe, Wood and Yancey—29.

NAYS—Messrs. Faulkner, Garrard, McConnell, White, M. H. Wickliffe and Woods—6.

Mr. Pope moved the following amendment as a substitute for the said bill, to-wit:

A bill concerning the Court of Appeals.

Whereas, the people of this Commonwealth have decided against the constitutionality of the act entitled, "an act to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals," and against the removal of the judges of the Court of Appeals, in the manner contemplated and intended by the said act; And whereas, a majority of the members of each house of the present General Assembly are of opinion, that the said act is unconstitutional, and that the Judges then in office were not removed from office by said act, but have continued to hold the same notwithstanding its passage. In obedience to the public will manifested as aforesaid, and in order to restore a regular administration of justice and the laws, give repose, confidence and security to the good people of this Commonwealth, and ensure to all equal and impartial justice.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the act entitled, "an act to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals," and the act entitled "an act regulating the salaries of the judges of the Court of Appeals" shall be and the same are hereby repealed.

Sec. 2. *And be it further enacted,* That all laws in force in this Commonwealth on the 23d day of December 1824, concerning the Court of Appeals and the judges thereof, which were repealed or intended to be repealed by the above recited act, shall be and the same are hereby revived and declared to be in full force, except so far as herein otherwise provided.

Sec. 3. *Be it further enacted,* That a judge to be styled the fourth judge of the Court of Appeals shall be appointed and commissioned, and the said Court shall consist of four judges, any three of whom shall be sufficient to constitute a court.

Mr. Dudley then moved to amend the said amendment, by substituting in lieu thereof the following, to-wit.

Whereas, the "Act to repeal the law organizing the Court of Appeals, and to re-organize a Court of Appeals," approved December 24, 1824, and the "Act to regulate the salaries of the judges of the Court of Appeals, and for other purposes;" Approved January 6th, 1825, have produced great excitement and

considerable dissatisfaction, to many of the good people of this state, and whereas, this General Assembly feel disposed, sincerely, to restore order and repose to the country, and inspire the people with universal confidence in the Supreme Court of the state—Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said recited acts, and all and every section thereof, be, and the same are hereby repealed, and every law which was repealed or changed or intended to be repealed or changed by either, shall be and the same are hereby revived and declared to be in full force, except so much of any act or acts or parts thereof, as allowed any salary or compensation to the judges of the Court of Appeals.

Sec. 2. *Be it further enacted,* That the judges of the Court of Appeals shall, from and after the passage of this act, receive for their services, an annual salary of twelve hundred dollars each, payable quarterly as heretofore, at the Treasury of this state, out of such currency as now is, or hereafter may be, by law, receivable in payment of public revenue.

And the question being taken on adopting said amendment proposed by Mr. Dudley, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Crutcher and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Cockerill, Daniel, Daveiss, Dudley, A. S. Hughes, J. Hughes, O'Bannon, Selby, Smith and Yancey—13.

NAYS—Messrs. C. Allan, Beaty, Carneal, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Given, Hickman, Lockett, McConnell, Muldrow, Pope, Slaughter, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe, Woods and Wood—23.

Mr. Stephens moved to strike out the third section of the amendment proposed by Mr. Pope:

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Green and Crutcher, were as follows, to-wit:

YEAS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Given, Hickman, Andrew S. Hughes, McConnell, Muldrow, Slaughter, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe, Woods and Wood—21.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Carneal, Cockerill, Daniel, Daveiss, Dudley, J. Hughes, Lockett, O'Bannon, Pope, Selby, Smith and Yancey—14.

Mr. James Allen, at 4 o'clock P. M. moved that the Senate do now adjourn:

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Crutcher and Green, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Carneal, Cock-erill, Cunningham, Daniel, Daveiss, Dudley, Given, A. S. Hughes, J. Hughes, O'Bannon, Pope, Selby, Slaughter, Smith, Stephens, Wood and Yancey—20.

NAYS—Messrs. C. Allan, Beaty, Crutcher, Faulkner, Gibson, Green, Garrard, Hickman, Lockett, McConnell, Muldrow, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—16.

And then the Senate adjourned.

TUESDAY, DECEMBER 12, 1826.

The Senate assembled.

Mr. Henry B. Mayo, Senator from the counties of Bath, Morgan, Floyd and Pike; and Mr. George L. Locker, Senator from the counties of Christian, Todd and Trigg, appeared and took their seats; the said Locker, having produced a certificate of his election, and of his having taken the oaths prescribed by the constitution of the United States and the constitution and laws of this state.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. Carneal—1. A bill for the benefit of the securities of Benjamin D. Fowler.

By Mr. Martin H. Wickliffe—2. A bill to take the sense of the good people of this Commonwealth as to the expediency of calling a convention.

And by Mr. Stephens—3. A bill for the benefit of Christopher Dicken.

Which bills were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the first and third bills having been dispensed with, they were committed to the committee for courts of justice.

The Senate received from the Governor, by Mr. Loughborough assistant secretary, a message in writing, containing the nomination of sundry militia officers.

A message was received from the House of Representatives announcing the passage of bills by that body, of the following titles, to-wit:

An act to allow three additional terms to the county court for Scott county, and to change the time of holding the same.

An act for the benefit of Emily Bratton, &c. and,

An act for the benefit of the heirs of James Grubbs deceased.

A bill to remove the unconstitutional obstructions which have

been thrown in the way of the Court of Appeals, was again taken up.

Mr. Andrew S. Hughes from the majority on the vote by which the amendment proposed by Mr. Pope, was amended, by striking out the third section thereof, moved a reconsideration of said vote:

And the question being taken thereon, it was decided in the affirmative.

Mr. Stephens then, with the leave of the Senate, withdrew his motion to strike out the said section.

The amendment proposed by Mr. Pope was amended to read as follows, to-wit:

A bill concerning the Court of Appeals.

Whereas the people of this Commonwealth have decided against the constitutionality of the act entitled "an act to repeal the law organizing the Court of Appeals, and to re-organize a Court of Appeals," and against the removal of the judges of the Court of Appeals, in the manner contemplated and intended by the said act; and whereas, a majority of the members of each house of the present General Assembly are of opinion that the said act is unconstitutional, and that the judges then in office were not removed from office by said act, but have continued to hold the same notwithstanding its passage. In obedience to the public will manifested as aforesaid, and in order to restore a regular administration of justice and the laws, give repose, confidence and security to the good people of this Commonwealth and ensure to all equal and impartial justice.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the act entitled "an act to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals," and the act entitled, "an act regulating the salaries of the judges of the Court of Appeals," shall be and the same are hereby repealed.

Sec. 2. *And be it further enacted,* That all laws in force in this Commonwealth on the 23d day of December 1824, which were repealed or intended to be repealed by the above recited act, shall be and the same are hereby revived and declared to be in full force.

Sec. 3. That a judge to be styled the fourth judge of the Court of Appeals, shall be appointed and commissioned, and said court shall consist of four judges, any three of whom shall be sufficient to constitute a court.

The question being taken on adopting said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Carneal and Pope, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Carneal, Cock-

erill, Daniel, Daveiss, Dudley, A. S. Hughes, J. Hughes, Mayo, O'Bannon, Pope, Selby, Smith, Wood and Yancey—17.

NAYS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Given, Hickman, Locker, Lockett, M'Connell, Muldrow, Slaughter, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—21.

Mr. Charles H. Allen then moved to amend the said bill by adding thereto, the following section, to-wit:

And be it further enacted, That all acts done and performed by the judges of what has been called the new Court of Appeals, acting by virtue of, and under the authority of the said reorganizing act, shall be and the same are hereby declared valid, to all intents and purposes.

The question being taken on adopting said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. C. H. Allen and Carneal, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Carneal, Cockerill, Daniel, Daveiss, Dudley, J. Hughes, Mayo, Selby, Smith and Yancey—13.

NAYS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Given, Hickman, Andrew S. Hughes, Locker, Lockett, M'Connell, Muldrow, Pope, Slaughter, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe, Woods and Wood—24.

The question was then taken on engrossing the said bill and reading it a third time on to-morrow, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Faulkner and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Given, Hickman, Locker, Lockett, M'Connell, Muldrow, Pope, Slaughter, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—22.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Carneal, Cockerill, Daniel, Daveiss, Dudley, A. S. Hughes, J. Hughes, Mayo, Selby, Smith, Wood and Yancey—15.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 13, 1926.

The Senate assembled.

The Speaker laid before the house a letter from the chairman of the committee of superintendence, of the Asylum for the instruction of the Deaf and Dumb, covering the annual report of the trustees of that institution; which were read as follows, to-wit:

J

DANVILLE, December 11, 1826.

Sir: I have the honor to present to you, and through you to the honorable body over which you preside, the Annual Report of the Trustees of the Kentucky Institution, for the instruction of the Deaf and Dumb.

I am Sir, very respectfully,

Your obedient servant,

D. G. COWAN, *Chairman,*

Of the Committee of Superintendence.

HON. ROBERT B. M'AFEE, *Speaker of the Senate.*

To the honorable, the General Assembly of the Commonwealth of Kentucky.

The trustees of the Kentucky Institution for teaching the Deaf and Dumb respectfully report, that the progress made by the pupils in the last year, has been entirely satisfactory, and that both as respects their education, and their personal comfort, due attention has been paid, and we may add, that we have good reason to believe, that their moral and religious instruction is attended to as a pleasing duty. The pupils have enjoyed good health, and appear pleased with their situation.

The donation granted by the last General Assembly, to provide this institution with suitable buildings, &c. has been received, and invested in the purchase of ten acres of ground, on which is a commodious dwelling house, and other convenient out houses, and also a school house. The improvements are all of brick, are new, and were purchased for \$5,000 in our currency; which it is believed is a much less sum than it would cost to have such buildings erected.

In our last report, we informed you of our application to the Congress of the United States for a donation to this institution. We have now the pleasure to advise you, that a donation of a township of land was, at the last session of Congress, granted to the Kentucky Institution for teaching the Deaf and Dumb. The friends of this institution are under many obligations to the Kentucky delegation, but more particularly to Maj. T. P. Moore, for his unremitted exertions and final success, in obtaining this grant. So soon as we were apprised of the donation, the board of trustees appointed the Rev. Samuel K. Nelson, (who had before rendered services to this institution,) to repair to Florida, where it was believed the grant could be most profitably located. For the manner in which he has executed the trust confided to him, we beg leave to refer to a copy of his report to the board, which is herewith transmitted. We are not able, at this time, to form a probable estimate of the value of this donation, but in any event it will be a valuable acquisition.

The board beg leave to renew the request contained in their

last report, that the time of continuance of indigent pupils may be extended by law to four years. Our own experience, as well as the example of older institutions, confirm us in the belief that that period is sufficiently short, with the best exertions of the teachers, to give the deaf and dumb pupils such a knowledge of our language, as will enable him to converse understandingly about the ordinary affairs of life. Without this, of what avail will any education be to him? So sensible were the trustees that those pupils who had completed their three years, (the time allowed by law,) were not sufficiently instructed, that they advised the superintendant to continue them in school, which he has done at his own cost; hoping the General Assembly will authorize the trustees to make him remuneration therefor; which we now respectfully pray may be done. On the subject of the extension of the time to four years, we beg leave to refer to our last annual report. We would also renew our request, as made in our last annual report, that some provision be made by law, authorizing the trustees to retain indigent pupils during the time allowed by law. When taken away by their parents, as has been the case, in some instances, before they received sufficient instruction, there has, as to them, been a useless expenditure of public money, and the utility of the institution is brought in question by those who have not an opportunity of seeing a well instructed pupil.

A report of the number of pupils in the Asylum, and the time of their continuance therein, and also the secretary's report, shewing the situation of the funds of the institution, are herewith presented.

The trustees conclude, by recommending this benevolent institution to the continued favor and protection of the General Assembly by whose beneficent hand, under a kind providence, it has so far prospered.

By order of the board.

D. G. COWAN,	}	<i>Committee.</i>
J. BARBOUR,		
B. H. PERKINS,		
C. HENDERSON,		

DANVILLE, NOVEMBER 15TH, 1826.

To the Trustees of Centre College.

GENTLEMEN:

I have the honor to report, that in compliance with the instructions received from you at the time of my appointment, I proceeded immediately to Florida, for the purpose of locating the lands granted by the last Congress to the Deaf and Dumb Asylum.

Upon my arrival in the Territory, it was rumoured that Congress had passed a pre-emption law, in favor of a certain description of occupants, but the public prints contained no confirmation of this report, and the fact was altogether uncertain. If such a law existed, I possessed no means of ascertaining its provisions, or of determining what would be its effect upon the location contemplated. The instructions of the Secretary of the Treasury, which were at your request, to have been enclosed to me at Tallahassee, had not been forwarded; the mail was uncertain, and did not arrive oftener than once in two weeks: the first due after my arrival brought me no communications. The intense and increasing heat of the weather, rendered my stay in the country imprudent and unsafe, and besides rendered it obvious that in a few weeks more it would be utterly impracticable to make the necessary examinations.

Under these circumstances, I had no alternative left me, but to return without effecting any thing, or to proceed immediately to make my examination in such a manner as would enable me to conform my selections to whatever might be the instructions of the secretary. This I accordingly did, with such assistance as it became necessary for me to procure.

The instructions did not reach me until after all my examinations were completed, and I was on the eve of departure for Kentucky. I believe, however, that although the labor was greatly increased, the interest of the institution was not affected by this delay, as it was anticipated that those given in the case of a similar grant to the Hartford institution would be regarded as a precedent, and that I should be required to locate in tracts of not less than four entire sections, which proved to be the fact.

In case a pre-emption law did exist, I had expected to be informed by the instructions from the Secretary—whether the grant made to the asylum or that to the occupants, would be entitled to the preference; that if it belonged to the latter, I should be required to make my selections exclusive of such claims. But when received, they contained no restrictions except the one above mentioned, from which I was induced to believe that the former being the eldest, was regarded as having the preference. Being directed to report my selections to the Secretary of the Treasury himself, instead of the officers of the Land office at Tallahassee, as I had expected, it became necessary, (as I supposed,) that I should return by the way of Washington. While there I was unable to procure any decision on this subject. It has, however, since my return, been *virtually* decided, and decided against us. After a lengthy negotiation, and a very small alteration in the shape of my selections, the whole have been approved—"except so far as they may hereafter be found to interfere with the claims of occupants." The list of the lands thus ap-

proved, together with the instructions and letters of the Secretary, are herewith submitted, as a part of this report.

As to the value of the donation, under existing circumstances, it is impossible to form any correct opinion; the entire location is immensely valuable, but what portion may be left, or what the value of the residue may be, can scarcely be conjectured, until after the time allowed by law for the establishment of occupant claims, shall have expired.

Should Congress permit us to re-locate such portions as may be taken from us, *in similar sized* tracts, and in *either* of the territories, the grant would still be valuable; but all the valuable lands of Florida will be sold, before such permission can be procured; and it is thought extremely questionable, whether they can be induced to extend the privilege to either of the other territories. It is believed, however, that much might be effected, by the passage of a law at the approaching session of the Legislature, evincing that the donation was regarded as a national appropriation, and would be so employed as to extend its advantages equally to ourselves and all the sister States who may choose to avail themselves of them.

I have only to add, that I am prepared to account to such committee as you may think proper to appoint, for the manner in which the funds advanced me have been expended, and to receive such further instructions as you may think proper to give in relation to the business of my agency.

All of which is respectfully submitted.

SAMUEL K. NELSON.

Kentucky Asylum for the tuition of the Deaf and Dumb.

Trustees—Hon. John Boyle, L. L. D. Chairman; James Birney, Samuel K. Nelson, Ephraim McDowell, Jeremiah Fisher, Benjamin H. Perkins, Joseph McDowell, John Green, Charles Henderson, Thomas Montgomery, David G. Cowan, William Craig, Edward Worthington, William Miller, John S. Higgins, Michael G. Youce, and James Barbour, [Treasurer,] James Harlan, Secretary.

Officers—Rev. John R. Kerr, Superintendent and Assistant Teacher; Frances Kerr, Matron; John A. Jacobs, Principal Teacher.

Physicians—Joseph Weisiger and Alban G. Smith.

Monthly Committee of Superintendance—1. D. G. Cowan, B. H. Perkins. 2. J. Barbour, W. Miller. 3. E. McDowell, J. Fisher.

Visiting Committee of Ladies—Mrs. Youce, Mrs. Akin, Mrs. Whelan, Mrs. Moore, Mrs. Rochester, Mrs. Henderson, Mrs. Reed, Mrs. Cocke, Mrs. Finlay, Mrs. Caldwell, and Mrs. Bell.

Pupils in the Institution on 3d Nov. 1826.

Names.	age	When ad- mitted.	Residence.	Remarks.
1823.				
Eveline Sherrill,	14	April 27,	Green Co. Ky.	Pauper.
Jabez Gaddia,	20	"	"	"
Wm. Morehead,	15	May 30,	Lincoln Co. K.	"
Edith Lewellin,	16	July 1,	Shelby "	"
Moses Lewellin,	19	"	"	"
William Grissom,	21	July 9,	Adair "	"
Barney McMahon,	13	July 23,	Jefferson "	"
John Hoke,	24	Oct. 27,	"	"
Narcissa Fowler,	18	Nov. 19,	Livingston "	"
Nancy McClesky,	24	"	"	"
1824.				
Seburn Goins,	15	Feb. 6,	Frankfort "	Pays all charges.
Jacob Sagasen,	22	Sept. 6,	Jessamine "	Pauper.
Beverly Parker,	30	Sept. 7,	Fayette "	"
Martin Reed,	13	Sept. 11,	"	"
Isaac Jones,	21	Oct. 8,	Nelson "	"
Thomas Gatewood,	21	Oct. 11,	"	"
Matilda Grissom,	14	Oct. 30,	Adair "	"
1825.				
Job Carter,	20	July 2,	Spencer "	"
Mary Robertson,	14	July 8,	Tennessee.	Pays all charges.
Kitty A. Pyle,	19	July 20,	Adair Co. Ky.	Pauper.
Anthony L. Story,	22	July 25,	Alabama.	Pays all charges.
James Story,	19	"	"	"
Sally Pyle,	16	Aug. 29,	Adair Co. Ky.	Pauper.
Eliza Atwater,	17	Oct. 1,	Illinois.	Pays all charges.
1826.				
John White,	15	May 26,	Jessam. Co. K.	Pauper.
Waller Rodes,	10	June 12,	Scott "	Pays all charges.
Margaret Bryan,	33	June 21,	Franklin "	"
Deborah Phillips,	15	Aug. 7,	Madison "	Pauper.
Whole number of pupils—28.				

Names of the pupils who have at different times left the institution—Lucy Barbee, Martha Railey, John Withers, Thomas Hoagland, Samuel Strickler, (since dead,) Enoch Wright, Laura Hall, Billy Holloway, Angelina Baker, Rebecca Machen, Patsey Terrill, Alexander Thompson, Abram Williams, and John Goggin, (since dead.)

The following Statement will shew the situation of the Funds of the Institution.

1825.

DEBTOR.

Nov. 3.—To balance on hand (see last report)	\$1,759 78 2-3
Cash, appropriation of last session,	3,000 00
Amount received from Treasury for support of indigent pupils this year,	2,496 46
Cash received for tuition fees this year,	157 60
Do. received from the Synod of Kentucky, it being the amount received by Centre College from the Commonwealth's Bank.	2,550 00

CREDITOR.

By Cash paid in part for house, and 10 acres of ground purchased,	\$9,963 84 2-3
Cash paid for post and railing same,	\$3,000 00
Do. for digging well and fixing pump,	126 50
Do. Brick work on houses,	103 34
Do. Stone do. on lot,	34 50
Do. Sponge, &c.	28 75
Printer's bills for publishing notices. &c.	50
Cash paid Wood for black board at Frankfort last session,	4 00
Do. for sundries,	9 50
Do. for black boards and glazing windows,	4 88
Postages,	11 80
Cash paid carpenter's bill for fitting up school room	3 37 1-2
Fuel for same last winter,	275 17 1-2
Cash paid Mr. Kerr, for boarding indigent pupils this year,	35 00
His salary, same time,	1,657 90
Cash for Mr. Jacobs' boarding the present year,	400 00
Salary same time, equal to	95 21
This amount allowed Mrs. Kerr, for extra services, in mending, &c. for the indigent pupils from 27th Sept. till 24th April, 1826,	667 67
Do. for expenses of Mutes to Frankfort last winter,	56 98 1-2
Do. paid for plastering school room, &c.	22 75
	177 50
	<hr/>
	\$6,715 33 1-2
	<hr/>
Balance on hand,	3,248 51

By \$800 specie advanced Mr. Nelson, going to Florida, equal to	1,066 67
Balance on hand,	\$2,181 84
Donations to Institution to aid in erecting build- ings, not yet collected,	970 00
Errors Excepted.	\$3,151 84

J. HARLAN, *Secretary.*

The said letter and report were referred to a select committee of Messrs. Green, Daveiss, Pope, Carneal and Robert Wickliffe.

Mr. Garrard presented the petition of Elijah Combs, praying that a law may pass, making him compensation for apprehending William Baker, who had escaped from the jail of Perry county, in which he was confined upon a charge of horse stealing.

And Mr. Robert Wickliffe presented the petition of James W. Denny and P. S. Loughborough, representing that they have undertaken to compile a digest of the decisions of the Court of Appeals of this state, and soliciting the patronage of the state to enable them to publish the work.

Which petitions were severally received, read and referred, the former to the committee of propositions and grievances, and the latter to the committee for courts of justice.

Mr. Carneal from the committee for courts of justice, reported, a bill for the benefit of the securities of Benjamin D. Fowler, with an amendment, which being twice read, was concurred in.

Ordered, That the said bill be engrossed and read a third time on to-morrow.

A bill from the House of Representatives entitled, an act to allow three additional terms to the county court for Scott county, and to change the time of holding the same, was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, the said bill was committed to a select committee of Messrs. Smith, Carneal and Barrett.

A message was received from the House of Representatives, announcing that they had adopted a resolution appointing a joint committee to examine the Transylvania University and the Lunatic Asylum at Lexington.

The rule of the Senate having been dispensed with, the said resolution was taken up, twice read and disagreed to.

Ordered, That Mr. Daveiss inform the House of Representatives thereof.

Mr. Andrew S. Hughes from the select committee appointed for that purpose, reported, a bill to repeal the laws authorizing the valuation of property taken under execution;

Which was read the first time and ordered to be read a second time.

And thereupon, the rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to the committee for courts of justice.

Leave was given to bring in the following bills to-wit:

On the motion of Mr. Robert Wickliffe—1. A bill concerning writs of error and appeals, and for other purposes.

And on the motion of Mr. Andrew S. Hughes—2. A bill to establish certain turnpike roads.

Messrs. Robert Wickliffe, Chilton Allan, Green and Daveiss were appointed a committee to prepare and bring in the first; and Messrs. Andrew S. Hughes, Robert Wickliffe and Chilton Allan the second.

An engrossed bill entitled, "an act to remove the unconstitutional obstructions which have been thrown in the way of the Court of Appeals, was read the third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Daveiss and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Given, Hickman, Locker, Lockett, McConnell, Muldrow, Pope, Slaughter, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—22.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Carneal, Cockerill, Daniel, Daveiss, Dudley, A. S. Hughes, J. Hughes, Mayo, O'Bannon, Selby, Smith, Wood and Yancey—16.

A message in writing was received from the Governor, by Mr. Loughborough, assistant secretary.

And the rule of the Senate having been dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate,

I nominate for your advice and consent, George Roberts, as Commonwealth's Attorney in and for the 13th judicial district, in place of Richard Rudd, resigned. JOS. DESHA.

December 13, 1826.

Resolved, That the Senate advise and consent to the said appointment; and that Mr. Martin H. Wickliffe inform the Governor thereof.

The message from the Governor, received on yesterday, containing the nomination of sundry militia officers, was taken up, and read as follows, to-wit:

Gentlemen of the Senate,

I nominate for your advice and consent, the following militia officers, who have received temporary appointments since the last session of the General Assembly, to-wit:

Daniel Breck Division Inspector of the 2d Division, vice Jno. S. Smith resigned.

Robert B. M'Hatton Major General of the 3d Division, vice Thomas Fletcher, deceased.

Uriel B. Chambers Division Quarter-Master of the same Division.

Thompson Ward Major General of the 7th Division, vice William Reed, resigned.

Robert Barnett Major General of the 11th Division, vice Jno. Daveiss, resigned.

Samuel Winston Division Quarter-Master of the 13th Division, vice Chasteen Scott, resigned.

John O. Lacey Brigade Quarter-Master of the 1st Brigade, vice Eli H. Stone, deceased.

Christopher Lillard Brigadier General of the 6th Brigade, vice Robert B. M'Hatton promoted.

Marmaduke B. Morton Brigade Quarter-Master of the 11th Brigade, vice William J. Morton, promoted.

Basel Warring Brigadier General of the 14th Brigade, vice Thompson Ward, promoted.

Tunstall Quarles Brigadier General of the 16th Brigade, vice Jno. Griffin, resigned.

Bourne Goggin Brigade Quarter-Master of the same Brigade, vice William Griffin, refused.

Alexander M. Henry Brigadier General of the 17th Brigade, vice Alney M'Lean, resigned.

Samuel Morton Brigade Quarter-Master of the same Brigade.

Benjamin Buckner Brigade Quarter-Master of the 21st Brigade, vice James Collins, removed.

Leonard B. Parker Brigade Quarter-Master of the 23d Brigade, vice Thomas Johnson, resigned.

George W. Chambers Colonel of the 1st Regiment, vice William Guthrie, resigned.

John Doup Lieut. Colonel of the same Regiment, vice Maurice L. Miller, removed.

John Fryer Major of the same Regiment, vice John Doup, promoted.

Obediah Prewett Lieut. Colonel of the 9th Regiment, vice Joel Turnham, resigned.

John Cunningham Major of the same Regiment, vice Obediah Prewitt, promoted.

Joseph H. Woolfolk Lieut. Colonel of the 11th Regiment, vice Andrew Muldrow, resigned.

Medley Shelton Major of the same Regiment, vice Joseph H. Woolfolk, promoted.

William Johnson Lieut. Colonel of the 12th Regiment, vice Benjamin B. Ballard, resigned.

John Pratt Major of the same Regiment, vice William Johnson, promoted.

Nimrod L. Lindsey Major of the 14th Regiment, vice Isaac Wright, refused.

Andrew White Colonel of the 18th Regiment, vice Samuel Harbeson, resigned.

George Burgen Lieut. Colonel of the same Regiment, vice Andrew White, promoted.

William Jarvis Major of the same Regiment, vice George Burgen, promoted.

Robert Rollins Lieut. Colonel of the 21st Regiment, vice Stephen Mullens, resigned.

John M'Clanahan Major of the same Regiment, vice Robert Rollins, promoted.

Rice L. Stewart Lieut. Colonel of the 26th Regiment, vice Robert Fowler, resigned.

William Faulkner Major of the same Regiment, vice Rice L. Stewart, promoted.

Charles Dobyns Colonel of the 29th Regiment, vice Henry Berry, deceased.

Jasper S. Morriss Lieut. Colonel of the same Regiment, vice Charles Dobyns, promoted.

John Waller Major of the same Regiment, vice Jasper S. Morriss, promoted.

Edward Hessey Lieut. Colonel of the 32d Regiment, vice James Samuels, resigned.

Albert E. Hubbard Major of the same Regiment, vice Edward Hessey, promoted.

John F. Davis Major of the 37th Regiment, vice George Boswell, promoted.

Stephen D. B. Stewart Lieut. Colonel of the 39th Regiment, vice William Pratt, removed.

James M'Kinney Major of the same Regiment, vice Stephen D. B. Stewart, promoted.

Henry Black Colonel of the 40th Regiment, vice William Martin, resigned.

William Campbell Lieut. Colonel of the same Regiment, vice Henry Black, promoted.

John M. Emmerson Colonel of the 46th Regiment, vice Lemuel Williams, resigned.

Lemuel Stockton Lieut. Colonel of the same Regiment, vice John M. Emmerson, promoted.

Littleberry Thurman Major of the same Regiment, vice Lemuel Stockton, promoted.

George M. Beall Colonel of the 48th Regiment, vice William Kennedy, resigned.

Benjamin D. Beall Lieut. Colonel of the same Regiment, vice George M. Beall, promoted.

Garrett Daniel Major of the same Regiment, vice Benjamin D. Beall, promoted.

Jesse Mosely Colonel of the 49th Regiment, vice Joshua Reuder, resigned.

William A. Carter Lieut. Colonel of the same Regiment, vice Jesse Mosely, promoted.

Richard M. Taylor Major of the same Regiment, vice William A. Carter, promoted.

George H. Carter Colonel of the 50th Regiment, vice Samuel Robertson, resigned.

John P. Wash Lieut. Colonel of the same Regiment, vice George H. Carter, promoted.

Dudley Robertson Major of the same Regiment, vice John P. Wash, promoted.

Simms Winfrey Colonel of the 52d Regiment, vice Robert Casky, refused.

William Bradshaw Lieut Colonel of the same Regiment, vice Levi Wheat, refused.

Thomas Wilson Major of the same Regiment, vice Simms Winfrey, promoted.

James Dodson Lieut. Colonel of the 53d Regiment, vice Hial Bertram, removed.

Absalom Davis Major of the same Regiment, vice John Majors, removed.

John W. Simpson Major of the 55th Regiment.

George Dowell Colonel of the 59th Regiment, vice David R. Murray, resigned.

Daniel Wood Colonel of the 62d Regiment, vice Joseph M'Clasky, resigned.

Richard L. Murphy Lieut. Colonel of the same Regiment, vice Andrew Briggs, resigned.

Thomas Stone Major of the same Regiment, vice Richard L. Murphy, promoted.

Hugh Logan Colonel of the 63d Regiment, vice James Davidson, removed.

William Hammelton Lieut. Colonel of the same Regiment, vice William Spratt, resigned.

Samuel Moore Major of the same Regiment, vice Jonathan Owsley, resigned.

George W. Mansfield Major of the 64th Regiment, vice Raven S. Follis, resigned.

George Lansdown Lieut. Colonel of the 65th Regiment, vice Barnabus A. Johnson, resigned.

Peter R. Gill Major of the same Regiment, vice George Lansdown, promoted.

John Current Colonel of the 71st Regiment, vice Joseph Cant-rill, resigned.

William Wright Lieut. Colonel of the same Regiment, vice John Current, promoted.

Achilles Chinn Major of the same Regiment, vice William Wright, promoted.

John Humphries Lieut. Colonel of the 72d Regiment, vice John Williams, resigned.

Henry M'Quaid Lieut. Colonel of the 76th Regiment, vice Samuel B. Nesbitt, refused.

David H. Thomasson Major of the same Regiment.

Thomas H. Bradford Colonel of the 77th Regiment, vice Alexander Tilford, resigned.

Charles W. Hall Lieut. Colonel of the same Regiment, vice Thomas H. Bradford, promoted.

Alexander M'Hatton Major of the same Regiment, vice Charles W. Hall, promoted.

James Ferrill Major of the 79th Regiment, vice Loftus Cook, resigned.

Robert Reed Colonel of the 81st Regiment, vice Ambrose S. Bramblett, resigned.

Silas Dougherty Lieut. Colonel of the same Regiment, vice Robert Reed, promoted.

Francis H. Winfrey Major of the same Regiment, vice Silas Dougherty, promoted.

Philip Albert Lieut. Colonel of the 83d Regiment, vice William H. Floyd, deceased.

Nathan M. Harris Major of the same regiment, vice Josiah Jackson, resigned.

Thomas G. Watkins Lieut. Colonel of the 84th Regiment.

James Early Major of the same Regiment.

Ninian Riley Colonel of the 86th Regiment, vice Isaac Miller, resigned.

John Wilson Lieut. Colonel of the same Regiment, vice Ninian Riley, promoted.

Stephen B. Cannage Major of the same Regiment, vice John Wilson, promoted.

Isaac Thomas Colonel of the 87th Regiment, vice Thomas Wilson, resigned.

Miles Hart Major of the same Regiment, vice Thomas Doran, refused.

Joshua Burten Colonel of the 90th Regiment, vice Moses Wright, resigned.

Enos Cook Lieut. Colonel of the same Regiment, vice Joshua Burten, promoted.

John Wilhoit Major of the same Regiment, vice Enos Cook, promoted.

David J. Burk Major of the same Regiment, vice James H. Nourse, removed.

Samuel Payne Colonel of the 92d Regiment, vice Christopher Lillard, promoted.

Garland Lillard Lieut. Colonel of the same Regiment, vice Samuel Payne, promoted.

John Elliott Major of the same Regiment, vice Garland Lillard, promoted.

Joseph Nelson Lieut. Colonel of the 93d Regiment, vice Thomas Turk, deceased.

William W. Baily Major of the same Regiment, vice Joseph Nelson, promoted.

George B. Cooper Colonel of the 95th Regiment, vice Tunstall Quarles, promoted.

William Heath Lieut. Colonel of the same Regiment, vice George B. Cooper, promoted.

Thomas Jasper Major of the same Regiment, vice William Heath, promoted.

Thomas H. Gaines Colonel of the 99th Regiment, vice Jacob Heistand, resigned.

William N. Marshall Lieut. Colonel of the same Regiment, vice Thomas H. Gaines, promoted.

Joseph Peace Major of the same Regiment, vice Stephen Hardin, resigned.

Celas B. Calvert Colonel of the 100th Regiment, vice William How, resigned.

Robert Jones Lieut. Colonel of the same Regiment, vice Celas B. Calvert, promoted.

Nicholas Thomas Major of the same Regiment, vice Robert Jones, promoted.

Robert Reme Colonel of the 101st Regiment, vice Elijah Creel, cashiered.

Jacob Bumgardiner Lieut. Colonel of the same Regiment, vice Robert Reme, promoted.

Benjamin Copelin Major of the same Regiment, vice Jacob Bumgardiner, promoted.

Andrew Myers Lieut. Colonel of the 104th Regiment, vice James Ellison, deceased.

William P. Thomas Major of the same Regiment, vice Andrew Myers, promoted.

Daniel Robins Major of the 105th Regiment, vice John Carlisle, refused.

Robert T. Bell Major of the 106th Regiment, vice Cyrus M'Cracken, resigned.

George W. Riddle Colonel of the 114th Regiment, vice Thomas Alexander, promoted.

John S. Morgan Major of the same Regiment, vice Thomas P. Taul, removed.

Stilwell Heady Colonel of the 119th, a new Regiment.

Caleb C. Reed Lieut. Colonel of the same Regiment.

George Collings Major of the same Regiment.

December 12, 1826.

JOS. DESHA.

Resolved, That the Senate advise and consent to said appointments; except to those of Stilwell Heady, Colonel of the 119th Regiment; Caleb C. Reed, Lieut. Colonel of the same Regiment, and George Collings, Major of the same Regiment, which were committed to a select committee of Messrs. White, Martin H. Wickliffe, Crutcher, Faulkner, Yancy and McConnell.

Ordered, That Messrs. Dudley, Crutcher, and M. H. Wickliffe, inform the Governor thereof.

A message in writing was received from the Governor, by Mr. Loughborough, assistant Secretary, containing the nomination of several militia officers.

Mr. Crutcher read and laid on the table the following resolution, to-wit.

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress, be instructed, and our Representatives requested to use their best exertions to procure the passage of a general execution law.

Resolved, That his Excellency, the Governor of this Commonwealth be requested to transmit copies of the foregoing resolution, to each of our Senators and Representatives in Congress.

A bill to take the sense of the good people of this commonwealth as to the expediency of calling a convention; was read the second time, and committed to a committee of the whole house, for to-morrow.

The message from the Governor, received on Monday last was taken up, and read as follows, to-wit.

Gentlemen of the Senate,

I nominate for your advice and consent, John Murphy, Esq. to be commissioned sheriff of the county of Jefferson, to succeed John Miller, Esq. whose term is about to expire. The county court has failed to recommend at the proper time, and said Murphy is the eldest Magistrate.

JOS. DESHA.

December 11th, 1826.

Resolved, That the Senate advise and consent to the said appointment; and that Mr. John Hughes, inform the Governor thereof.

The message from the Governor in relation to the chartered line between this state and the state of Tennessee, with the accompanying documents, was taken up and read as follows, to-wit;

Gentlemen of the Senate,

And of the House of Representatives:

In pursuance to the provisions of an act of the last General Assembly, authorizing me "to employ some capable Mathematician, to ascertain the proper latitude of $36^{\circ} 30'$ north, from a point on Walker's line, near the Cumberland Gap, and run and mark a line in the said latitude of $36^{\circ} 30'$ north, to the point where Alexander and Munsell began their line, on the Tennessee River," I did, on the 11th of March last, by letter, employ Thomas J. Matthews Esq. Professor of Mathematics in the Transylvania University, to perform that duty. On the same day a letter was addressed to the Governor of Tennessee, enclosing a copy of the act, notifying him of the employment of Mr. Matthews, and desiring the concurrence of Tennessee in the performance of the work. Copies of the letters to Mr. Matthews, and the Governor of Tennessee are transmitted, herewith.

No answer to the letter addressed to him has been received from the Governor of Tennessee.

Mr. Matthews having accepted the employment tendered to him, requested the advance of five hundred dollars, as authorized by the act, which I directed on the 30th of June.

On the 2d of this month, he submitted his report, accompanied by the report of his surveyor, Mr. Charles Bracken, the celestial observations, field notes and a plat of the line. His account against the state for the services of himself, the surveyor and others employed, and the expenses attending the performance of the duty assigned him, was likewise submitted.

Copies of the report and account are transmitted herewith. The field notes, and plat of the line are deposited in the Secretary's office, subject to the inspection of any member of your honorable bodies.

December 9. 1826.

JOS. DESHA.

COMMONWEALTH OF KENTUCKY,

Executive Department, March 11, 1826.

Thomas J. Matthews, Esq.

SIR—The General Assembly of this state, at its last session, by "An act, to amend an act, authorizing the sale of the vacant land, between Walker's line, and the latitude $36^{\circ} 30'$ north, in the state of Tennessee, and for running and marking the latitudinal line," approved, December 21, 1825, authorized me "to employ some capable Mathematician, to ascertain the proper latitude of $36^{\circ} 30'$ north, from a point on Walker's line, near Cumberland Gap, and run and mark a line in the said latitude of thirty six degrees, thirty minutes north, to the point where Alexander and Munsell began their line, on the Tennessee river.

Pursuant to the authority thus conferred, and confiding in your abilities, and zeal, in the performance of the work, I hereby employ you on the part of the state, to ascertain the latitude, and run and mark the line mentioned in the aforesaid act.

The sum of five hundred dollars, appropriated by the act, to defray expenses shall be placed at your disposal, whenever you signify that it is requisite, to enable you to proceed in the discharge of your duty.

The Governor of Tennessee shall be immediately notified of your employment in this business, and the concurrence and assistance of that state, requested. Should Tennessee appoint persons to assist, you may concert jointly with them, such measures as will tend to make the line, which you will run, satisfactory to both states.

I have the honor, &c.

JOSEPH DESHA.

COMMONWEALTH OF KENTUCKY,

Executive Department, March 11, 1826.

SIR—I transmit you, herewith, an act of the General Assembly of this state, approved, December 21, 1825.

In compliance with the provisions of its third section, I have this day employed, Thomas J. Matthews, Esq. Professor of Mathematics, and Natural Philosophy, in the Transylvania University, to ascertain the latitude, and run the line therein mentioned. Mr. Matthews, informs me, that he will commence the work in the vacation from his labors in the University, which will take place in July next, and continue for some months.

Mr. Matthews' abilities are such, I am assured, as to insure a correct discharge of the duty, which he has taken upon himself.

It is, certainly, not less the interest of Tennessee, than of Kentucky, that a true line of the latitude $36^{\circ} 30'$ north, should be run: And it is hoped that Tennessee, aware of this, will feel no hesitation to comply with the request of the Legislature of this state, as expressed in the enclosed act.

I have the honor, &c.

JOSEPH DESHA.

His Excellency, the Governor of Tennessee.

LEXINGTON, DECEMBER 1, 1826.

SIR—In execution of the duties devolved upon me, as commissioner to determine the chartered line between this State and Tennessee, in latitude $36^{\circ} 30'$ north, I proceeded to Cumberland Gap, on the 20th of last July, accompanied by Mr. William Agun, a young gentleman whom I had employed as an assistant, and followed in a few days by Mr. Charles Bracken, of Cynthia-na, (the surveyor,) and a suitable company of hands.

At the house of Mr. George, a short distance from the Gap, I

took my first observations, for the purpose of ascertaining how far I was from the true latitude, measured on a meridian. From an observation of four fixed stars, I found the latitude of Mr. George's house to be $36^{\circ} 37' 15''$ north, or $7' 15''$ farther north than the chartered line.

I therefore proceeded down Powell's Valley on the 28th July, to the house of Mr. Reuben Moss, in Claibourne county, Tennessee, where I established my first station. At this place, by observations of 17 fixed stars, I determined the position of the line, which was three-tenths of a second north of the house.

My method of observation was as follows: I took the altitudes of a certain number of stars, when on the meridian to the north, and also of a certain number when on the meridian to the south; then comparing the result obtained from each northern star with one obtained from a southern star, of about the same altitude, I took the mean of both, and then the mean of all those comparisons, for the true latitude. This method, by correcting, better than could be done in any other way, the inaccuracies of the instrument, enabled me to arrive at a degree of exactness, which exceeded my most sanguine expectations.

From Mr. Moss's, I proceeded on the 1st of August, to Mr. Peter Cassell's, on Buffalo creek, Campbell county, Tennessee, leaving Mr. Bracken to follow on the line, while I determined its position in advance.

At Cassell's, I observed the altitudes on the meridian of five stars, but on account of the hazy state of the atmosphere, I was not satisfied to rely on the calculations founded on them. These observations were on the 4th and 5th of August. While here, I received a message from Mr. Bracken, that on account of the difficulties arising from the attraction of the iron ore in the mountains, he could not proceed. I therefore directed him to come on with the party to Cassell's, and carry the line eastward from thence, to the first station. Having changed my quarters to Mr. James Chetwood's, in the same county, I observed on the 8th and 9th of August, the meridian altitudes of six stars; and comparing them with those observed at Cassell's, I determined the line. In the mean time Mr. Bracken having arrived with the party, I started them on the line back to the first station; and it will be seen by reference to Mr. Bracken's field notes, accompanying this report, that they struck fourteen chains seventy five links north of the post at the first station.

They then came on a second time to Cassell's, and took up the line westward, while I proceeded to my third station, at Mr. Arthur Frogg's, on Piles' turnpike. At this place I determined the position of the lines by observation of 32 stars, from the 18th to the 22d of August. The latitude of Mr. Frogg's house was found to be $36^{\circ} 33' 10'' 78$ north. At the preceding station,

Mr. Chetwoods was in latitude $36^{\circ} 33' 14'' 2$, and Mr. Cassell's in latitude $36^{\circ} 26' 44'' 01$, the line passing about half way between them. The surveyor completed the line to Piles' turnpike on the 26th of August, and it will be seen by reference to his field notes, that his line struck 16 chains north of the true line. I directed him, when leaving this station, to correct his line forward by laying his course S. 85° W. until he struck the true line, and then to proceed due west.

On the 28th August, I arrived at Mr. Edmund Prices', on Jennings' creek, Jackson county, Tennessee, where I made my fourth station. The latitude of Prices' house, by observations of fifteen stars, on the 28th and 29th, was found to be $36^{\circ} 30' 7'' 95$; and here Mr. Bracken's line struck within 5 1-2 chains of the true line, being north of it. My 5th station was at the house of Mrs. Stalcup, Sumner county, which, by observations of 18 stars on the 4th and 7th of September, was found to be in latitude $36^{\circ} 30' 21'' 47$. Mr. Bracken, at this place, struck 25 chains 50 links north of the true line. The line in all instances was corrected by running 5° from due west until the line struck the true latitude.

My sixth and last station was at Clarksville, at the house of Mr. Eli Lockert, which was found to be in latitude $36^{\circ} 31' 33'' 66$. Mr. Bracken here struck 24 chains 25 links north of the true line.

It may appear strange that the line should vary more in the level part of the country, than in the rugged and mountainous districts. The circumstance is, however, readily accounted for. It will be seen by reference to the field notes, and also to the plat of the line accompanying this report, that as we proceeded westward, the variation of the compass increased rapidly from $6^{\circ} 20'$ to $7^{\circ} 35'$: and as the clouded state of the atmosphere prevented frequent observations for determining the variation, (the time being about the autumnal equinox,) it was impossible to run the line as accurately as might otherwise have been done. Mr. Bracken, after bringing his line to coincide with the true line, near Clarksville, found himself within ten poles of Colonel Steele's line, which was the continuation of Alexander and Munsell's line from the Tennessee river: and having carried the line on to the river, he struck its bank at a point almost exactly opposite to the marked trees, at the end of their line on the other side of the river.

The whole length of the line by the field notes, is 238 miles and 73 poles. It may be proper to remark, that towards the east end, our line was every where considerably south of Colonel Steel's line, and gradually approached it, as we proceeded westward, until we finally struck his line, near Clarksville.

Together with the field notes, and platt of the line, I send an account of expenditures and charges, by which it will be seen that I claim a balance of 2,101 37 1-2, the whole amount of expenditures and charges, being \$2,609.

In conclusion, I will remark that considering the nature of the ground over which the line had to pass, and the difficulties attending the enterprise, from local attraction in the mountains, and change of variation in the plains. I do not believe that it could have been determined with greater exactness without devoting treble the time and expense to it that have been bestowed.

The line was marked as the chartered line, together with the latitude at all places of notoriety. It was also marked so as to be easily followed by blazing the trees to the right and left.

With the utmost respect,

Your obedient humble servant,

THOMAS J. MATTHEWS.

His excellency JOSEPH DESHA, *Governor of Kentucky.*

CYNTHIANA KY. OCT. 13. 1826.

Thomas J. Matthews, Esq.

SIR—I herewith send you my field notes of the chartered line between the states of Tennessee and Kentucky, ran by your orders, under an act of the Legislature, together with a platt of the same.

In platting it, you will perceive I have represented the true line, and by reference to my field notes, you will see at what distance I diverged from it at your several stations or places of observation.

I am of the opinion my running will give satisfaction to the Legislature, particularly from the first to the fourth station, when they consider the nature of the ground over which I had to pass, being altogether mountainous, and at the eastern end of the line containing large bodies of Iron ore. From the fourth to the sixth station, I met with a difficulty which was not in my power to obviate, viz: an increase of the variation of $1^{\circ} 15'$ in the space of one hundred miles. It was during the equinox, and the weather was generally unfavorable, and continued so until I reached the sixth station.

In running to your several observations, I diverged to the north, except at the fourth. I consider it fortunate, as it may hereafter prevent any further difficulties between the two states. All my corrections were made at 5° . I had the line marked with a blaze fore and aft, on all line trees; and with blazes quartering to the line on all side trees. At all places of notoriety I marked it as the chartered line, with the latitude and the variation at which I ran.

As I was disappointed in not meeting an assistant surveyor, from Tennessee, I shall consider five hundred dollars, currency as a compensation for my services.

Respectfully, your obedient servant.

CHARLES BRACKEN.

Dr. Commonwealth of Kentucky, in account with Thomas J. Matthews.

1826	For expenses at Lexington for outfit of the	
July 19.	surveying party, viz. stationary, tent, camp	
	equipage, provisions, &c. &c.	\$53 76 1-2
29.	For expenses between Lexington and the	
	Cumberland Gap, viz. provisions, enter-	
	tainment on the road, &c.	33 35
30.	For expenses at Cumberland Gap, viz. pro-	
	visions, axe, surveyor's chain, pins, &c.	37 22 1-2
31.	For expenses at R. Moss', 1st station, en-	
	tertainment, provisions, wages to hun-	
	ter, &c.	42 50
Aug. 9.	For expenses at P. Cassell's and J. Chet-	
	wood's, 2d station, washing, entertain-	
	ment, provisions, bear skins, wages to	
	hunter and guide, &c. &c.	36 14 1-2
26.	For expenses at A. Frogg's, Piles turnpike,	
	3d station, pilotage, entertainment, pro-	
	visions, &c.	70 36
31.	For expenses at E. Prices, 4th station, en-	
	tertainment, provisions, pilotage, &c.	31 31
Sept. 7.	For expenses at Mrs. Stalcup's, 5th station,	
	entertainment, provisions, pilotage, re-	
	pairs, &c.	43 25
20.	For expenses at Clarksville, 6th station,	
	entertainment, pilotage, provisions, re-	
	pairs, &c.	45 81 1-2
28.	For expenses from Clarksville to the Ten-	
	nessee river, provisions, pilotage, &c.	35 70
Oct. 8.	For expenses home from Dover to Lexing-	
	ton,	64 50
		\$494 42
Dec. 1.	For Dr. Best's bill of medicine furnished for	
	the use of the party, &c.	17 50
	For the hire of three hands, (two chain	
	bearers and a marker,) at \$16 per month	
	of 26 days, 3 months each is \$48 for	
	each, or	144 00
	For services of a black man and pack horse,	
	hired of Rev. N. Hall, 3 months, at \$20	
	per month,	60 00

For hire of another pack horse from Mr. Bracken, the surveyor, 58 days at 25 cts. per day,	- - - - -	14 75
For wages of Mr. King, as commissary and general assistant to the party,	- - - - -	100 00
For wages of Mr. Agun, as assistant to myself,	- - - - -	100 00
For services of Mr. Bracken, the surveyor,	- - - - -	500 00
For a sextant purchased for the use of the party,	- - - - -	178 33
For own services,	- - - - -	1,000 00
		\$2,609 00
1826	Cr.	
July 10. By cash received in advance,	- - - - -	500 00
Sept. 28. " sale of tent, axe and some other articles	- - - - -	7 62 1-2
		\$507 62 1-2
Balance due Thos. J. Matthews,	- - - - -	\$2,101 37 1-2
Errors excepted.		

THOMAS J. MATTHEWS.

The said message and documents were referred to a committee of Messrs. Beaty, Wood, Cockerill, J. Allen, Garrard, Given and Locker.

Ordered, That the Public Printer print one hundred and fifty copies of the said message and documents, for the use of the members of the General Assembly.

And then the Senate adjourned.

THURSDAY, DECEMBER 14, 1826.

The Senate assembled.

The Senate received from the Governor, by Mr. Loughborough, assistant secretary, a message in writing.

Mr. James Allen from the committee of propositions and grievances, made the following report, to-wit:

The committee of propositions and grievances, have, according to order, had under consideration sundry petitions, and have come to the following resolutions thereupon:

Resolved, That the petition of sundry citizens of the county of Wayne, praying that a law may pass establishing an election precinct in said county, *is reasonable*.

Resolved, That the petition of John M'Laughlin, praying that a law may pass making a donation to him, of a quarter section of land, on which he has settled, being the S. W. quarter, S. of section 36, range 3, and township 4, east of the meridian, *is reasonable*.

Resolved, That the petition of Elijah Combs, praying that a law may pass to refund to him the amount of money advanced by him in the pursuit and retaking of William Baker, a fugitive from justice, *is reasonable*.

Resolved, That the petition of Messrs. David and John Trimble, praying that a law may pass, authorizing them to erect a mill dam across Licking River, near the mouth of Harriss' creek, *be rejected*.

Resolved, That the petition of Benjamin Plummer, praying that a law may pass, exonerating him and his securities from the payment of eighty dollars, due from them to the Branch Bank of the Commonwealth of Kentucky, at Flemingsburg, *be rejected*.

Resolved, That the petition of sundry citizens of Wayne county, praying that a law may pass to remove the seat of justice of said county, *be rejected*.

Resolved, That the petition of sundry citizens of Harrison county praying that a law may pass appointing a surveyor and commissioner to view and mark the nearest and best way for a road from Cynthiana to Maysville, *be rejected*.

Resolved, That the petition of sundry citizens of Allen county, praying that a law may pass, to add a part of said county to the county of Barren, *be rejected*.

Which being twice read, and the 7th resolution amended by striking out the words "be rejected," and inserting in lieu thereof the words "is reasonable," was concurred in, except the 8th resolution, which was recommitted to the same committee.

Ordered, That the said committee prepare and bring in bills pursuant to the first, second, third and seventh resolutions.

Mr. Smith from the committee of religion, made the following report, to-wit:

The committee of Religion have, according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereon, to-wit:

1. *Resolved*, That the petition of Samuel D. Waltman, praying to be divorced from his wife Catharine L. Waltman, *is reasonable*.

2. *Resolved*, That the petition of Margaret Alice Tracy, praying that a law may pass, divorcing her from her husband Isaac Tracy and dissolving their marriage, *is reasonable*.

3. *Resolved*, That the petition of William Asherst, praying that a law may pass, divorcing him from his wife Mary Asherst, *be rejected*.

4. *Resolved*, That the petition of Rebecca Huett, praying that a law may pass divorcing her from her husband John Huett, *be rejected*.

Resolved, That the petition of Sally Cathcart, praying that a law may pass, divorcing her from her husband Joseph Cathcart, *be rejected*.

Which being twice read, the first, second and third resolutions were concurred in, and the fourth and fifth were recommitted to the same committee.

Ordered, That the committee of religion prepare and bring in bills pursuant to the first and second resolutions.

Mr. Smith, from the committee to whom was referred a bill from the House of Representatives, entitled "an act to allow three additional terms to the county court for Scott county, and to change the time of holding the same," reported the same with amendments.

Which were twice read and concurred in.

Ordered, that the said bill, as amended, be read a third time.

And thereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title be amended to read, an act to allow three additional terms to the County Courts of Scott and Harrison, and to change the time of holding the Scott Circuit and County Courts.

Ordered, That Mr. Smith inform the House of Representatives thereof, and request their concurrence in the said amendments.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. James Allen—1. A bill for the benefit of Greenwell Williams and others.

By Mr. Robert Wickliffe—2. A bill concerning writs of error and appeals, and for other purposes.

By Mr. Given—3. A bill to divorce Samuel D. Waltman.

And by Mr. James Allen—4. A bill for the benefit of the infant heirs of Thomas Carter.

Which bills were severally read the first time, and the first, second and fourth were ordered to be read a second time.

And the question being taken on reading the 3d bill a second time, it was decided in the negative, and so the said bill was rejected.

Ordered, That the Public Printer forthwith print 150 copies of the second bill for the use of the members of the General Assembly.

Mr. Faulkner moved the following resolution, to wit:

Resolved by the Senate, That the standing order of adjournment shall be nine o'clock, and one hour's recess taken every day, commencing at two o'clock.

Which was twice read, and laid on the table.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Robert Wickliffe—1. A bill to provide for the rebuilding the capitol, and for other purposes.

And on the motion of Mr. Andrew S. Hughes—2. A bill to a-

mend an act, entitled, "an act to incorporate the trustees of Augusta College," approved, December 7th, 1822.

Messrs. Robert Wickliffe, Dudley, White, Smith and Barrett, were appointed a committee to prepare and bring in the former, and Messrs. Andrew S. Hughes, Carneal and Beaty the latter.

A message was received from the House of Representatives announcing the passage of a bill, entitled, "an act for the benefit of William Pearl a lunatic.

A bill for the benefit of the heirs of Josiah Bass deceased; and a bill more effectually to prevent the importation of slaves, were severally read the second time, the former was ordered to be engrossed and read a third time on to-morrow; and the latter was committed to a committee of Messrs. Carneal, Green, Robert Wickliffe and Pope.

And then the Senate adjourned.

FRIDAY, DECEMBER 15, 1826.

The Senate assembled.

Mr. Given from the committee appointed for that purpose, reported a bill further to regulate the sale of land west of the Tennessee river.

Which was read the first time and ordered to be read a second time.

A message from the House of Representatives by Mr. Booker.

Mr. Speaker—The House of Representatives have concurred in a resolution from the Senate, for appointing joint committees to examine the several public offices, the Penitentiary, the Bank of the Commonwealth of Kentucky, and the Bank of Kentucky.

And then he withdrew.

Thereupon, Messrs. Hickman, Daniel and Stephens were appointed a committee on the part of the Senate to examine and report the condition of the Treasurer's office; Messrs. Faulkner, Barrett and Lockett the Auditors office; Messrs. Yancey, Beaty and Mayo, the Register's office; Messrs. Green, Muldrow, Gibson and Woods the Penitentiary; Messrs. Daveiss, Dudley, Carneal and Slaughter, the Bank of the Commonwealth of Kentucky; and Messrs. Crutcher, Chilton Allan, White and Given, the Bank of Kentucky.

Mr. Carneal moved that the Senate now resolve itself into a committee of the whole house, on the state of the Commonwealth, for the purpose of taking up the bill to take the sense of the good people of this Commonwealth as to the expediency of calling a convention.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Daveiss and Carneal, were as follows, to-wit:

YEAS—Messrs. J. Allen, Barrett, Beaty, Carneal, Cockerill, Crutcher, Daniel, Daveiss, Given, J. Hughes, Locker, Lockett, Mayo, McConnell, O'Bannon, Selby, Slaughter, Stephens, Ward, M. H. Wickliffe, Wood and Yancey—22.

NAYS—Messrs. C. Allan, Cunningham, Dudley, Faulkner, Gibson, Green, Garrard, Hickman, Smith, White and Woods—11.

Mr. Faulkner was called to the chair; and after some time spent in committee, Mr. Speaker resumed the chair, and Mr. Faulkner reported, that the committee had, according to order, had under consideration the said bill, and had made some progress therein; but not having time to go through the same, had instructed him to ask for leave to sit again; which was granted.

And then the Senate adjourned.

SATURDAY, DECEMBER 16, 1826.

The Senate assembled.

1. Mr. White presented the petition of Nancy Laswell, praying a divorce from her husband Moses Laswell.

2. Mr. Dudley presented the petition of Sally Bryan, widow of Morgan Bryan deceased, praying that a law may pass, authorizing her to carry into effect, a contract entered into by the deceased, in his lifetime, with Felix Garr for the sale of a tract of land in Oldham county.

3. And Mr. Given presented the petition of John Byrne, praying that a law may pass for refunding to him the sum of \$216 75 1-2 which he has paid, by mistake, for two fraction's of section's of land west of the Tennessee river.

Which petitions were severally received, read and referred; the first to the committee of religion; the second to a select committee of Messrs. Dudley, Carneal, Andrew S. Hughes and Daveiss; and the third to the committee for courts of justice.

Mr. Carneal from the select committee to whom was referred a bill more effectually to prevent the importation of slaves, reported the same with an amendment:

Which was twice read and concurred in.

And the question being taken on engrossing the said bill and reading it a third time on Monday next, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Beaty and Stephens, were as follows, to-wit:

YEAS—Messrs. C. Allan, J. Allen, Barrett, Carneal, Daveiss, Dudley, Faulkner, Gibson, Green, Garrard, Hickman, A. S. Hughes, J. Hughes, Locker, Lockett, McConnell, Muldrow,

Pope, Ward, White, Martin H. Wickliffe, Robert Wickliffe and Wood—23.

NAYS—Messrs. Beaty, Cockerill, Crutcher, Cunningham, Daniel, Given, O'Bannon, Selby, Slaughter, Stephens, Woods and Yancey—12.

The Senate received from the Governor, by Mr. Loughborough, assistant secretary, a message in writing.

Mr. Cockerill moved the following resolution, to-wit:

Resolved, That hereafter, there shall be no appropriation of money from the Treasury of this state, to the editors of newspapers, who are in the habit of furnishing the members of the Senate with their papers weekly.

Resolved further, That if the members of the Senate should hereafter receive the papers of said *editors*, that they will remunerate said editors at their own private expense.

Which was twice read and laid on the table.

Mr. McConnell read and laid on the table, joint resolutions concerning the improvement of certain roads in this Commonwealth.

Ordered, That the Public Printer forthwith print 150 copies thereof, for the use of the members of the General Assembly.

The Speaker laid before the Senate a letter from the chairman of the board of commissioners for the lunatic asylum, containing the annual report of the situation of that institution, which was read as follows, to wit:

To the General Assembly of the Commonwealth of Kentucky.

At this annual return of the period when it becomes the duty of the Commissioners of the Lunatic Asylum, to present to the Legislature of this State, an history of their proceedings during the past year, and the result of them; now, with more than ordinary satisfaction, embody in the present record, the following evidence of the success of the plan adopted by your honorable body, to lessen the miseries of a portion of your fellow-citizens, on whom the hand of affliction had borne heavy and grievous.

Your Commissioners report, that within the last year, eighty nine persons have been partakers of all the advantages which this benevolent Institution has been capable of bestowing. Of this number, ten have been discharged, cured; five absconded, three taken away by their friends, and six deceased; leaving, at this period of time, sixty-five patients, of whom twenty are said to be convalescent, and strong hopes are entertained of their recovery—of this number, fifty-nine have been supported by the munificence of the state, and the remaining six, at individual expense, the parties having property and capable of defraying all charges.

The Medical Faculty of Transylvania University, have un-

ceasingly bestowed their attention to the Institution, to the full measure of their original engagement, nevertheless, your Commissioners were compelled, from the increased number of patients, to employ further medical aid, at a small expense, whose duty it is to attend daily to the necessities of the sick and invalid, in conjunction, at stated periods, with the Medical Faculty. And your Commissioners now contemplate with pleasure this arrangement, believing as they do, that much advantage has been derived by the sick from this source.

The Commissioners further report, that they have been enabled, from the means placed within their control, to erect the second wing, thereby completing the original plan of the building. Its dimensions are precisely like the one that was built the last year, by which means they are enabled to provide for all the patients, that may likely require the aid afforded by the bounty of the State—this wing is sixty-two feet long by twenty-two wide, three stories high, containing twelve apartments, well constructed for the purpose designed.

Your Commissioners beg leave again to suggest the necessity of enclosing the grounds belonging to the Institution, by a strong and sufficient fence, or wall, whereby escapes would be prevented. As it now exists, the patients must be retained within two small enclosures, (much to the injury of convalescents,) or be watched at an expense greatly disproportioned to the cost of an enclosure.

Your Commissioners further report, that they have received from the Public Treasury, the past year's appropriation of \$7000, and from individuals, together with the balance on hand of the last year of \$4213 75, that they have expended the past year, up to the 11th December, 1826, the sum of \$10,959 35, leaving a balance on hand this day of \$254 40. The expenditures are as follows, viz: The new wing cost \$4505 39, for the purchase of additional furniture \$300 16; for repairs, additions, and other permanent improvements to the lot and buildings \$84 61; for the subsistence of the Lunatics and attendants \$2261 27; in the conveying patients to the Asylum, from various parts of the state \$361 64; for salaries of the attendants \$1887 85, and for other expenses, for clothing, medicine, stationary, &c. the further sum of \$1080 10, and for fuel \$478 33; making altogether the sum as above \$10,959 35, as will more fully appear from the general statement, and vouchers, which are deposited in the office of the Superintendent, and made of record in the books of the Institution.

Your Commissioners, in conclusion, beg leave to offer this public testimonial of their confident belief, that this Institution has accomplished all that its most sanguine friends anticipated at its establishment, viz: that the patients would be kept more com-

fortable,—that they would be supported at less expense to the state, and that the means of recovery afforded, would be greatly multiplied, all which have been realized. The truth of the first proposition, manifests itself to those who have seen patients in their former condition, contrasted with their present situation. The second proposition is exemplified and answered by this report, exhibiting the costs to the state for the support of the present number in the Asylum—and the third and last advantage arising from this Institution, is fully illustrated by the restoration to reason, and to their enraptured friends, ten of the patients within the last year.

The Commissioners will conclude this report by soliciting from its parent, the Legislature, the continuance of its kind protection to this Asylum, that has effected, and promises to continue to effect, so much good in curing many, and mitigating to a great extent, much human misery and distress.

All of which is respectfully submitted, by order of the board,
JOHN W. HUNT, Ch'n.

Lexington, December 13, 1826.

The said report was committed to a committee of Messrs. Andrew S. Hughes, Robert Wickliffe and Chilton Allan.

Ordered, That the Public Printer forthwith print 150 copies thereof, for the use of the General Assembly.

Mr. Chilton Allan read and laid on the table the following resolution, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on Saturday the 13th of January next, they will adjourn without day.

The Senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the Commonwealth, Mr. Faulkner in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Faulkner reported, that the committee had, according to order, had under consideration a bill to take the sense of the good people of this Commonwealth as to the expediency of calling a convention, and had gone through the same with an amendment, which he handed in at the Clerk's table:

The said amendment was twice read and concurred in.

The said bill was then laid on the table.

A message was received from the House of Representatives, announcing the passage of a bill to legalize the proceedings of the trustees of the town of Madisonville.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. Robert Wickliffe—1. A bill to provide for the rebuilding of the capitol, and for other purposes.

By Mr. Yancey—2. A bill to amend the penal laws.

And by Mr. Andrew S. Hughes—3. A bill to amend an act entitled an act to incorporate the trustees of the Augusta College.

Which bills were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the second and third bills having been dispensed with, the second was committed to the committee for courts of justice, and the third to a select committee of Messrs. A. S. Hughes, Lockett and Muldrow.

Ordered, That the Public Printer forthwith print 150 copies of the first bill, for the use of the members of the General Assembly.

On the motion of Mr. Robert Wickliffe, leave was given to bring in a bill to amend the law concerning the action of detinue, and Messrs. Robert Wickliffe, Chilton Allan, Hickman and Ward were appointed a committee to prepare and bring in the same.

The following bills were severally read a second time, to wit:

1. A bill for the benefit of Obadiah Woodrum.
2. A bill to amend the law in relation to the relinquishment of dower.

3. A bill for the benefit of Peter Ellis.

- And 4. A bill for the benefit of Headright and Tellico settlers and for other purposes.

The first bill was ordered to be engrossed and read a third time on Monday next; the second was committed to a committee of Messrs. Stephens, Pope, Woods and Daviess; the third to a committee of Messrs. Mayo, Beaty, McConnell and A. S. Hughes; and the fourth to a committee of Messrs. Cunningham, Locker, Wood, Cockerill, Yancey and Beaty.

Mr. Yancey, from the joint committee of enrolments reported, that the committee had examined an enrolled resolution for appointing joint committees to examine the several public offices, the Penitentiary, the Bank of the Commonwealth of Kentucky, and the Bank of Kentucky, and had found the same truly enrolled.

And then the Senate adjourned.

MONDAY, DECEMBER 18, 1826.

The Senate assembled.

A message was received from the House of Representatives, announcing the passage by that body, of a bill from the Senate, entitled an act to remove the unconstitutional obstructions which have been thrown in the way of the Court of Appeals.

Mr. John Hughes presented the petition of John Cochran, praying a divorce from his wife Catharine Cochran.

Which was received, read, and referred to the committee of religion.

Mr. Cunningham, from the select committee to whom was referred a bill for the benefit of Headright and Tellico settlers, and for other purposes, reported the same with an amendment, which was twice read and concurred in.

Ordered, That the said bill, as amended, be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Cockerill carry the said bill to the House of Representatives, and request their concurrence.

Mr. Stephens, from the select committee to whom was referred a bill to amend the law in relation to the relinquishment of dower, reported the same with an amendment, which was twice read and concurred in.

Ordered, That the said bill be re-committed to the committee for courts of justice.

Mr. Mayo, from the select committee to whom was referred a bill for the benefit of Peter Ellis, reported the same with an amendment, which was twice read and concurred in.

Ordered, That the said bill be re-committed to the committee for courts of justice.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. Robert Wickliffe—1. A bill to amend the law concerning the action of detinue.

By Mr. Dudley—2. A bill for the benefit of Sally Bryan, widow of Morgan Bryan, deceased.

By Mr. Beaty—3. A bill making an appropriation to defray the expenses of running and marking the chartered line between this State and the State of Tennessee.

By Mr. McConnell—4. A bill concerning the Bank of the Commonwealth of Kentucky.

And by Mr. Andrew S. Hughes—5. A bill to incorporate the Maysville and Lexington Turnpike Road Company.

Which bills were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the 1st, 2d, 3d and 5th bills having been dispensed with, the first was committed to a committee of Messrs. Carneal, Robert Wickliffe, Daviess and Slaughter; the second to

the committee for courts of justice; the third to a committee of Messrs. Crutcher, Hickman, Beaty, Carneal and Robert Wickliffe; and the fifth to a committee of Messrs. Andrew S. Hughes, Hickman, Robert Wickliffe, Chilton Allan and Ward.

Ordered, That the Public Printer forthwith print 150 copies of the fourth bill, for the use of the members of the General Assembly.

Mr. Carneal, from the select committee to whom was referred a bill to amend the law concerning the action of detinue, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time on to-morrow.

Mr. Andrew S. Hughes, from the select committee to whom was referred a bill to amend an act entitled an act to incorporate the trustees of the Augusta College, reported the same with an amendment, which being twice read was concurred in.

Ordered, That the said bill be engrossed and read a third time on to-morrow.

Mr. Robert Wickliffe, from the select committee to whom was referred so much of the Governor's message as relates to the constitution of the United States, and as suggests the propriety of amendments thereto, made the following report, to wit:

The committee raised on that part of the Governor's message which relates to the constitution of the United States and suggests the propriety of certain amendments thereto, report that they have had the same under consideration, and beg leave to submit the following resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they deem the amendment proposed to the constitution of the United States, by the executive in his message of the 4th December, 1826, inexpedient.

Which was twice read and laid on the table.

Mr. Yancey, from the joint committee of enrolments, reported that the committee had examined an enrolled bill, entitled, an act to remove the unconstitutional obstructions which have been thrown in the way of the Court of Appeals; and had found the same truly enrolled.

The Senate received a message from the House of Representatives, announcing that their Speaker had signed the said bill, and an enrolled resolution for appointing joint committees to examine the several public offices, the Penitentiary, the Bank of the Commonwealth of Kentucky, and the Bank of Kentucky.

Whereupon the Speaker of the Senate signed the said bill and resolution; and they were delivered to the joint committee, to be laid before the Governor; and after some time, Mr. Yancey reported that the committee had performed that duty.

Mr. Robert Wickliffe moved the following resolution, to wit:

Resolved by the Senate, That in the passage of a bill to take the sense of the good people of this Commonwealth, as to the propriety of calling a convention in pursuance to the ninth article of the constitution, that the constitution requires that a majority of all the members elected to the Senate shall concur in its passage, at the three several readings of the bill, required by the 28th section of the 2nd article of the constitution.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Yancey and James Allen, were as follows, to wit:

YEAS—Messrs. C. Allan, Dudley, Faulkner, Gibson, Garrard, Hickman, J. Hughes, Lockett, McConnell, Muldrow, White, R. Wickliffe and Woods—13.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Green, Given, A. S. Hughes, Locker, Mayo, O'Bannon, Pope, Selby, Slaughter, Stephens, Ward, M. H. Wickliffe, Wood and Yancey—24.

An engrossed bill, entitled an act authorizing the trustees of Millersburg to sell a part of the public ground in said town, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Hickman carry the said bill to the House of Representatives, and request their concurrence.

The Senate took up a bill to take the sense of the good people of this Commonwealth, as to the expediency of calling a convention.

And the question being taken on engrossing the said bill, and reading it a third time on to-morrow, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Carneal and Cockerill, were as follows, to wit:

YEAS—Messrs. J. Allen, Barrett, Beaty, Carneal, Cockerill, Cunningham, Daniel, Daviess, Given, A. S. Hughes, J. Hughes, Mayo, McConnell, O'Bannon, Pope, Ward, M. H. Wickliffe, Wood and Yancey—19.

NAYS—Messrs. C. Allan, C. H. Allen, Crutcher, Dudley, Faulkner, Gibson, Green, Garrard, Hickman, Locker, Lockett, Muldrow, Selby, Slaughter, Stephens, White, R. Wickliffe and Woods—18.

A message from the Governor by Mr. Loughborough, assistant Secretary:

Mr. Speaker—The Governor this day approved a joint resolution which originated in the Senate, with the following title: "a resolution for appointing joint committees to examine the sever-

al public offices, the Penitentiary, the Bank of the Commonwealth of Kentucky, and the Bank of Kentucky."

Ordered, That Mr. Yancey inform the House of Representatives thereof.

Messages were received from the House of Representatives, announcing the passage of bills of the following titles, to wit: an act authorizing the trustees of the Washington Academy to sell their lands; and an act for the benefit of the deaf and dumb asylum at Danville.

The message from the Governor, received on the 13th instant, was taken up and read as follows, to wit:

Gentlemen of the Senate,

I have been informed by the Brigadier General commanding the 18th Brigade of Kentucky militia, that Golvin Bailey, Colonel of the 54th regiment, in his brigade, was lately adjudged a lunatic in the Harlan Circuit Court, and is now in the Lunatic Hospital, at Lexington.

I therefore nominate for your advice and consent, Elijah Green, as Colonel of the 54th regiment, vice Golvin Baily.

Hezekiah Branston Lieutenant Colonel of the same regiment, vice Elijah Green, if promoted.

John Lewis Major of the same regiment, vice Hezekiah Branston, if promoted.

JOS. DESHA.

December 13, 1826.

Mr. Green moved the following resolution, to wit:

Resolved by the Senate, That they do not advise and consent to the appointment of Elijah Green to be Colonel of the 54th regiment of militia in Harlan county; nor of Hezekiah Branston to be Lieutenant Colonel of said regiment; nor of John Lewis to be Major of said regiment—It not appearing to the Senate by the message of his Excellency the Governor, that such vacancies exist in said regiment to be filled.

Which was twice read and adoted.

Ordered, That Messrs. Garrard and Beaty inform the Governor thereof.

The message from the Governor, received on the 8th instant, was taken up and read as follows, to wit:

Gentlemen of the Senate,

On the 31st day of December, 1824, the 19th brigade of Kentucky militia, consisting of the 24th, 55th, 83d, 84th, 111th, 112th and 118th regiments, was, for the convenience of the people, erected into a division, called the 14th, and divided into two brigades—the 17th and 28th: The 19th embracing the 24th, 55th, 83d and 84th regiments: The 28th embracing the 111th, 112th and 118th regiments.

It appeared from the records in the Secretary's office, that William Wadlington, Colonel Commandant of the 55th regi-

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ment, was the oldest Colonel in the 19th brigade. He was accordingly nominated to the Senate, and commissioned by its advice and consent, Brigadier General of that brigade, in place of William Byrdsong, who was commissioned Major General of the new division.

I have since ascertained that Colonel James Elder, of the 24th regiment, was in fact the oldest Colonel of the 19th brigade, and as such was entitled to the appointment of Brigadier General thereof, instead of Colonel Wadlington.

The papers transmitted herewith will shew that James Elder was, at the formation of the 14th division, older than any other Colonel in it—his commission bearing date January 31st, 1817, to take rank from January 26th, 1811.

General Byrdsong has removed to the State of Tennessee; in justice, therefore, to Colonel James Elder, I nominate him for your advice and consent, to be commissioned Major General of the 14th division, in place of William Byrdsong, removed.

December 8, 1826.

JOS. DESHA.

State of Kentucky, Livingston County, to wit:

We whose names are hereunder subscribed, do certify, that we have this day examined the commission appointing James Elder, Esquire, Colonel of the 24th regiment of militia of the State of Kentucky, authorizing him to take rank from the 26th day of January, 1811, as such; and find it to be dated the 31st day of January, in the year 1817, and signed by Gabriel Slaughter, Lieutenant Governor, and acting Governor of the Commonwealth of Kentucky, and counter-signed by John Pope, Secretary.

And we do not hesitate to state to your Excellency that Col. James Elder is a man of undoubted character and veracity; a man every way calculated and qualified for the command of a brigade, regiment, or any other command within your Excellency's power to bestow upon him. And we believe that his appointment to any military office, will be acceptable with the people of this county generally.

HENRY MITCHELL,
ISHAM CLEMENT, Major,
JAMES HODGE,
JOSEPH HUGHES, Lt. Col.
JOHN A. STEWART, Capt.
JAMES DUVALL, Capt.
ALFRED MOORE, Capt.
C. HAYNES,

ROBERT C. BIGHAM,
JOHN BERRY,
ALLEN HODGE,
E. D. BARNES,
N. BARNES,
THOMAS PHILIPS,
JONATHAN SMITH,
JOSIAH HARDIN.

May 10th, 1825.

The following are the dates of the commissions of the Colonels in the 14th division, at its formation.

24th regiment,	James Elder,	January 26, 1821.
55th	" Wm. Wadlington,	November 22, 1820.
83d	" Jon. R. Delany,	July 13, 1821.
84th	" M. Lyon,	December 20, 1821.
111th	" A. H. Davis,	December 11, 1822.
112th	" Jno. C. Dodds,	December 11, 1822.
118th	" Geo. P. Brown,	January 5, 1825.

The above are the dates that appeared on record in the Secretary's office.

Resolved, That the Senate advise and consent to the said appointment, and that Messrs. Given and Locker inform the Governor thereof.

Bills from the House of Representatives of the following titles, to wit:

1. An act to authorize a special term of the Owen circuit court.
2. An act to re-establish Todd's Warehouse in Louisville.
3. An act for the benefit of Emily Bratton, &c.
4. An act for the benefit of the heirs of James Grubbs, deceased.
- And 5. An act for the benefit of William Pearl, a lunatic.

Were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second and third readings of the third; and second reading of the fourth and fifth bills having been dispensed with; the fourth and fifth bills were committed to the committee for courts of justice.

Resolved, That the third bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Woods inform the House of Representatives thereof.

Engrossed bills of the following titles, were severally read the third time, to-wit:

1. An act allowing additional justices of the peace and constables to certain counties.
2. An act to reduce the price of the vacant land between Walker's line and the latitude of $36^{\circ} 30'$ north, and east of Cumberland river.

And 3. An act for the benefit of the securities of Benjamin D. Fowler.

Resolved, That the first bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Selby carry the said bill to the House of Representatives, and request their concurrence.

The second bill was recommitted to a select committee of Messrs. Wood, Beaty and Cockerill; and the question being ta-

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ken on the passage of the third bill, it was decided in the negative, and so the said bill was disagreed to.

The following bills were severally read the second time, to-wit:

1. A bill for the benefit of Greenwell Williams and others.

2. A bill for the benefit of the infant heirs of Thomas Carter.

The former bill was ordered to be engrossed and read a third time on to-morrow, and the latter was committed to the committee for courts of justice.

And then the Senate adjourned.

TUESDAY, DECEMBER 15, 1826.

The Senate assembled.

Mr. Mayo presented the petition of Samuel May, and John S. Oakley, praying compensation for pursuing and apprehending William Holman, a fugitive from justice.

Which was received, read, and referred to the committee for courts of justice.

Mr. Wood from the select committee to whom was referred an engrossed bill entitled, an act to reduce the price of the vacant land, between Walker's line and the latitude $36^{\circ} 30'$ north, and east of Cumberland river, reported the same with an amendment, which was twice read and concurred in.

Ordered, That the said bill as amended, be engrossed, and again read a third time on to-morrow.

An engrossed bill, entitled an act to take the sense of the good people of this commonwealth, as to the expediency of calling a convention, was read the third time as follows, to wit:

Whereas, it is represented that many of the good people of this commonwealth, are desirous of having an opportunity of voting in regard to the necessity and expediency of calling a convention, to consider of amending the constitution of this state, Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Sheriffs and Judges at the several places appointed to hold their annual elections, in the year one thousand eight hundred and twenty-seven, to open columns in their several poll books, for qualified voters to vote for a convention; and it shall be the duty of the several Sheriffs aforesaid, to make a true and faithful return to the Secretary of State, within thirty days after the close of the polls, of all the votes which may have been given within their respective counties for a convention, to be, by said Secretary, laid before the General Assembly at their next annual session, within the first week thereof.

§ 2. *And be it further enacted*, That any Sheriff failing to trans-

mit, by mail, his official statement of the votes, given as above provided, shall be subject to a fine of five hundred dollars, to be recovered by action of debt, by any person suing for the same in any court having competent jurisdiction thereof; and shall also be subject, upon conviction of such failure, to removal from office.

§ 3. *And be it further enacted*, That it shall be the duty of the several Sheriffs to read, or cause to be read, this act, at their several places of voting in their respective counties, at the opening of the polls on each day of the next annual election, and in case of failure so to do, the said officer shall be subject to the same penalties which are above prescribed for failing to transmit his official statement.

§ 4. *Be it further enacted*, That the public printer shall upon a separate leaf or sheet, print seven hundred copies of this act and furnish them to the Secretary of State, who shall send to each county, at the time of forwarding the acts of Assembly, &c. forward to the clerk's office of the county court of each county in this state, eight of these copies; and the Secretary shall take the receipt of the carrier therefor, who shall take the receipt of the respective clerks of county courts to whom he may deliver them, and the respective clerks of county courts shall deliver the same to the high Sheriff of his county, and take his receipt for the same; a copy of which shall be by such Sheriff delivered to each of his deputies, to be by them read at the several precincts, as required by this act.

And the question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Cockerill and Carneal, were as follows, to-wit:

YEAS—Messrs. J. Allen, Barrett, Beaty, Carneal, Cockerill, Daniel, Daveiss, A. S. Hughes, J. Hughes, Mayo, McConnell, O'Bannon, Pope, Ward, M. H. Wickliffe, Wood and Yancey—17.

NAYS—Messrs. C. Allan, C. H. Allen, Crutcher, Cunningham, Dudley, Faulkner, Gibson, Green, Garrard, Given, Hickman, Locker, Lockett, Muldrow, Selby, Slaughter, Smith, Stephens, White, R. Wickliffe and Woods—21.

Mr. Crutcher, from the select committee to whom was referred a bill making an appropriation to defray the expenses of running and marking the chartered line between this state and the state of Tennessee, reported the same without amendment. The said bill was laid on the table.

Messages were received from the House of Representatives, announcing the passage of bills of the following titles, to wit:

An act allowing additional justices of the peace to certain counties in this commonwealth.

An act to authorize the stockholders of the Bank of Limestone to elect an agent or commissioner.

An act to add a part of the county of Caldwell to the county of Trigg.

And an act for the benefit of Martha Bridges.

On the motion of Mr. J. Allen, leave was given to bring in a bill for the benefit of Thomas Skaggs; and Messrs. J. Allen, Green, Woods and M. H. Wickliffe, were appointed a committee to prepare and bring in the same.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. James Allen—1. A bill to establish an election precinct in the county of Wayne.

By Mr. Given—2. A bill for the benefit of John M'Laughlin.

And by Mr. Yancey—3. A bill to amend the law abolishing imprisonment for debt.

Which were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the second bill having been dispensed with, it was committed to a select committee of Messrs. Given, Carneal, Daniel and Daveiss.

A bill to provide for rebuilding the capitol and for other purposes, was read the second time.

Mr. Beaty moved to lay the said bill on the table until the first of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cockerill and Carneal, were as follows, to-wit:

YEAS—Messrs. J. Allen, Beaty, Cockerill, Daveiss, Faulkner, J. Hughes, Selby, M. H. Wickliffe and Yancey—9.

NAYS—Messrs. C. Allan, C. H. Allen, Barrett, Carneal, Crutcher, Cunningham, Daniel, Dudley, Gibson, Green, Garrard, Given, Hickman, A. S. Hughes, Locker, Lockett, Mayo, McConnell, Muldrow, O'Bannon, Pope, Slaughter, Smith, Ward, White, R. Wickliffe and Woods—27.

On the motion of Mr. Carneal, the fourth section of said bill was amended by striking out "twenty-five thousand dollars," the sum proposed to be appropriated out of the treasury, for rebuilding the capitol.

Mr. Carneal then moved to fill the blank occasioned thereby with "fifteen thousand dollars," and the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Yancey and Carneal, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, Barrett, Carneal,

Crutcher, Cunningham, Daniel, Dudley, Gibson, Green, Garrard, Hickman, A. S. Hughes, Locker, Lockett, Mayo, McConnell, Muldrow, O'Bannon, Pope, Slaughter, Smith, Ward, White, R. Wickliffe and Woods—26.

NAYS—Messrs. J. Allen, Beaty, Cockerill, Daviess, Faulkner, Given, J. Hughes, Selby, M. H. Wickliffe and Yancey—10.

On the motion of Mr. Carneal, the fifth section was amended, by striking out "fifteen thousand dollars;" being the amount, not to exceed which, materials, &c. out of the Penitentiary are proposed to be appropriated, for rebuilding the capitol.

Mr. Carneal then moved to fill the blank occasioned thereby with "five thousand dollars;" and the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Beaty and Carneal, were as follows, to wit:

YEAS—Messrs. C. Allan, C. H. Allen, Barrett, Carneal, Crutcher, Cunningham, Daniel, Dudley, Gibson, Green, Garrard, Hickman, Locker, Lockett, McConnell, Muldrow, Pope, Slaughter, Smith, Stephens, White, R. Wickliffe and Woods—23.

NAYS—Messrs. J. Allen, Beaty, Cockerill, Daveiss, Faulkner, Given, A. S. Hughes, J. Hughes, Mayo, Selby, M. H. Wickliffe and Yancey—12.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 20, 1826.

The Senate assembled.

Mr. Daveiss presented the petition of Lucy Thomas, praying a divorce from her husband, Joseph Thomas.

And Mr. R. Wickliffe presented the petition of Thomas Bodley and Catharine H. Bodley, his wife, praying that a law may pass, authorizing the Register of the land office to register a survey of 9922 acres of land, the property of the said Catharine, and to issue a grant for the same.

Which petitions were severally received, read and referred: The former to the committee of religion; and the latter to a select committee of Messrs. Robert Wickliffe, Muldrow, C. Allan, Green and McConnell.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. J. Allen—1. A bill for opening a road from Cynthiana to Maysville.

By Mr. C. H. Allen—2. A bill for the benefit of the Clerk of the Lawrence circuit court.

By Mr. Smith—3. A bill for the benefit of Margaret A. Tracy.

And 4. A bill for the divorce of John and Catharine Cochran and others.

Which bills were severally received, and read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the second bill having been dispensed with, it was committed to a committee of Messrs. Daviess, M'Connell, Hickman and Carneal.

Mr. Robert Wickliffe, from the committee to whom was referred so much of the Governor's message as relates to internal improvements, made the following report, to wit:

The Committee appointed on that part of the Governor's Message which relates to Internal Improvement, beg leave to report, that they have had the same under consideration, and concur with His Excellency in the sentiment, that the Legislature should turn its attention to such objects of Internal Improvements, as are calculated to be useful to the citizens and profitable to the government; and in this view of the subject, no object presents itself more immediately to the consideration of the General Assembly than the ruined condition of the Capitol. It is now more than two years since it was reduced to a heap of ruins by fire, and no effort has been made to rebuild it, or to provide for the Legislature and the Supreme Courts, any other permanent and suitable buildings to discharge the public business in.

The inconvenience which both branches of the Legislature experience, is felt by all; and your Committee are informed that the places at which the courts of the state and nation are compelled to sit, are so uncomfortable that it is with difficulty that they have been enabled to hold their respective sessions since the conflagration; so much so, that the Judges of the latter court have become so dissatisfied with their condition, that they will either apply to Congress to remove their sessions from Frankfort, or to provide in some mode, for their more conveniently performing business. Your Committee, therefore, hope that the condition of the Legislature and the Courts will command the early attention of the former; and that the inconvenience to which the Legislature and the Judiciary are exposed, will meet with a speedy remedy. In taking a survey of the other objects of Internal Improvements, your committee have also found abundant cause for concurrence with the Governor, in urging upon the Legislative attention, the condition of our highways. As the State of Kentucky presents an inclined plain, from the top of the Alleghany mountains to the Ohio river, and as almost the whole of the navigable streams of the state, which take their rise in those mountains, make their way into the Ohio, from where they are navigable, without falls or cataracts sufficient to obstruct their passage, it will be seen that the period is very remote when canal navigation, to any extent, will be adopt-

ed in Kentucky. But as most of the soil of Kentucky is clay, covered with a rich moal, no country invites its inhabitants to the construction of good roads more than Kentucky. And whether we consider the necessity for such roads, to carry to market our abundant crops, or the ease with which they may be constructed, we believe that no people have less excuse for the wretchedness of their roads, than the people of Kentucky. Your Committee would therefore earnestly recommend to the Senate, the propriety of not only commencing the improvement of the principal highways, under the authority of the national and state governments, but of revising the whole of the laws relating to the public roads in the Commonwealth. Your Committee believe, that; as the constitution of the United States gives to the Congress of the United States the power to establish post offices and post roads, and to regulate commerce among the several states, and to provide for the common and general welfare of the United States; and to make all laws which shall be necessary and proper for carrying into execution those powers, that it necessarily follows, that the power to direct where there shall be a post road, and on what road, or by what route the commerce between the states shall pass, includes the right in the general government to construct such roads, and to protect them when constructed. Indeed it seems to your Committee that the power to march an army through a state, presupposes the power to make the roads on which they are to march. And if Congress possess the power to provide for the general welfare of the United States, and national roads or national canals be necessary to promote that end, as well as to regulate the commerce of the states, or for the national army or mail to pass from one point to another of our vast continent; that the power to make such necessary roads and canals is expressly given to Congress. In this view of the powers of the national government, your Committee have directed their attention to such objects of internal improvements as they think ought to be considered national, and such as ought to exclusively appertain to the state; and have come to the conclusion, that the national government owes it to the general welfare, to construct a national road on the south valley of the Ohio and Mississippi rivers, beginning on the Ohio, at Maysville, in Kentucky, and extending through Kentucky and the state of Tennessee, to Nashville, on the Cumberland river, and from thence through the states of Tennessee, Alabama, and Mississippi, so as to terminate on the Mississippi at the most advantageous point to communicate with New-Orleans; and that a road should also be extended from Lancaster, in Ohio, so as to cross the Ohio river at Maysville. At Lancaster this road would meet the national turnpike road, destined to be extended on the western valley of the Ohio, and to the seat of

the government of Missouri. In the view of your committee, no public work would add more to the honor and advantages of the general government than this great national highway. It would connect by an almost direct route, the capitol of the nation with the great western port of New-Orleans, and afford facility to the transportation of the mail from the one point to the other, as well as munitions of war and men; connecting as it would, the great states through which it must pass, it might, in a national point of view, enable the general government to equitably adjust and arrange the commercial intercourse between those states themselves, and between them and the northwestern and Atlantic states. The limits of a report forbid the committee's attempting to estimate the particular advantages and conveniences derivable to the states through which the road will pass. They must be obvious to all; but your committee feel it due to the Senate and to their constituents, to say something of the great benefits which they conceive will result to Kentucky from such a road. As the road would pass through the heart of the state, and through its most fertile regions, it will of course, be convenient and accessible to a large portion of the great body of the people. It ought also to be observed, that this road, in its course, will cross the Licking, Kentucky, Green and Barren rivers, and also the Rolling fork of Salt river, at navigable points—that it will take its rise at the Ohio, and cross our line but a few miles from the Cumberland, passing many of the most thriving towns in the state; so that it will, in its whole route, afford to the inhabitants of the portions of the state contiguous, a facility in taking their products to where they can, at the proper season, have the advantage of river navigation. In this view of the subject, the road would be of great importance to the good people of the state, as it would enable them to exchange their products and industry with their brethren of their sister states of Tennessee and Alabama. It is a fact, that this exchange of products between those states and Kentucky, is, and has been for several years, carried on to the mutual profit of the citizens of the respective states—that the enterprising citizens of Lexington and Paris, send annually, large amounts in cotton bagging and bale rope, the product of Kentucky, and receive in exchange, money or the cottons of those cotton growing states; and if they are able to effect these exchanges in the present wretched condition of the roads, your committee need not ask, to how much more profit and how much greater extent this interchange of labor would be carried on, if those states were connected by a national highway. It seems to your committee, that between these states, the case has arisen, provided for by the constitution, a case where great states, abounding in wealth, whose inhabitants are industrious, each having surpluses of product desired by

the other, and which they would exchange but for the want of a highway—and if their wants and wishes are denied, their crops wither or remain on their hands. Your committee would ask, why was the power given to Congress to regulate the commerce between the states, if Congress fail to open the necessary communications between them—And they would further ask, if many of the advantages of the confederation are not lost in the idea or principle, that Congress has not the power, and if they have the power, that they ought not to exercise it, of opening a commercial communication between the states? To have commerce between the states, the citizens of one state must go to and trade with another, and to do this, they must have a communication by either land or water—Were the states separate sovereigns, it is easy to perceive, that by the indolence or policy of one state, that two or more states could not have commercial intercourse—Take the case of Alabama and Kentucky, (with Tennessee between the intercourse of Kentucky and Alabama,) there is no water communication: their highway for their products must be by land; but Tennessee might want a monopoly, and would refuse to open a road for their products or commerce to pass on. In such a case, Alabama might have her roads in good order, Kentucky her's also in order, and Alabama might want the hemp of Kentucky, and the cotton of Alabama be essential to Kentucky, but no exchanges could be made owing to the negligence, or fault of a third party, Tennessee; hence arose the necessity, as your committee conceives, for that provision in the constitution which confers the power on Congress, to regulate commerce between the states; and hence arises as your committee contend, the obligation on Congress to provide and open a national communication, for a free and equal commerce between the millions of citizens who are peopleing those states, through which this road should pass. Of the power of Congress to open such road, your committee cannot doubt, and of its great utility, in a commercial point of view, they think none will pretend to doubt; nor ought the Legislature to doubt that Congress, when made sensible of the claims which the West has upon them, to open the road, that that body, actuated by a sense of patriotism, and of their constitutional obligations to the states, will make immediate and ample provision to construct the road. Added to the constitutional obligation which Congress must feel to do so, when advised of the great emergency there is for the road. We may hope that it will not escape the attention of that enlightened body, that this highway will add strength to the bonds of union which connect this great nation together: that it will afford great facility and expedition to myriads of citizens, in passing from one point of this vast continent to another. Nor

should we forget, that instead of the river route, which is always hazardous, and a great part of the year unhealthy, that our enterprising citizens who annually visit New-Orleans, with the product of their labor, will have on this road, through the means of stages, a safe and expeditious mode of returning to their families and homes.

Nor can your committee believe that Congress will consider the expenditure of the monies, necessary to construct the road, more than the fair claim of the west upon the Federal Treasury. The western people contribute their share to supply the national coffers; and while millions are expended in other parts of the Union in public works, the states through which this road will pass, have as yet had but little public money distributed in western improvements; nor have your committee overlooked the fact, that if the administration pursues its present economical and wise systems of finance, that in a few years, the Treasury will be free of the national debt, and the national government be in a situation to expend annually, nearly twenty millions of dollars, in the construction of public roads, canals, and other objects of national improvement—they, therefore, conclude that upon the plea of the want of power and utility, Congress will be left without excuse for not engaging in this great national work, and that upon the subject of expense, we have nothing to apprehend. Your committee having taken this notice of what they consider the duty of Congress, in connection with the internal improvement of the state, they recommend that application shall be made to Congress, and that the early attention of that body be called to the subject.

To that end, your committee offer for the consideration of the legislature the following resolutions:

1st. *Resolved by the General Assembly of the State of Kentucky,* That our Senators be instructed and our Representatives in Congress be requested, to use their best exertions to procure the passage of an act of Congress providing for the construction of a national road from New Lancaster, in the State of Ohio, to Maysville, in Kentucky, and from thence to Nashville, in the State of Tennessee, and to continue the same from thence in the most direct and convenient route, so as to communicate with the city of New-Orleans.

2d. *Resolved,* That the Governor be requested to transmit to each of our Senators and Representatives in Congress; and to each of the Governors of the States of Ohio, Tennessee, Alabama, Mississippi and Louisiana, copies of the foregoing preamble and resolution; and that he request the executives of those states to lay the same before the legislatures thereof, and request their concurrence with the State of Kentucky, in pressing the neces-

sity of opening and constructing of the road referred to, upon the consideration of Congress.

Leaving the construction of this road, to the Congress of the U. States, your committee will now proceed to lay before the Senate, their views of such other and further improvements, as demand the attention of the Legislature: such as ought to be undertaken and executed by the state, or the citizens thereof. Your committee think that a state road ought to be constructed from this road, commencing at Lexington, and passing by the seat of government to Louisville, as soon as the funds of the state or those of the counties through which it may pass, will admit; or companies can be incorporated for the purpose. That another State Road should be constructed from Danville to Louisville. That another road should be extended from a point on this road to Owenboro' on the Ohio—and another from a point on the road, on the south of the great Barren River, in a direction to the Iron Banks; and another road constructed, from Lexington to Covington, on the Ohio; another road should also be constructed from Millersburg, in the proper direction, so as to meet the Virginia Turnpike road, on the Kenhawa river. The road from Lexington to Louisville, should in time, be extended eastwardly, passing Winchester, Mountsterling and Prestonsburg, to the Virginia line; and the road from Louisville to Danville in like manner, to be extended south eastwardly, so as to open a communication with Virginia, the Carolinas and Georgia.

The modes and times of opening these roads must be left to the wisdom of the Legislature. Some of them ought, as your committee believe, to be opened at public expense, others might be constructed by private corporations. But previous to any expenditures by the public, your committee think that a part of them should be examined and laid out by a competent engineer or engineers, and that the Governor ought to be authorized to employ for the state a suitable person for the purpose of surveying and superintending the construction of such public roads as the Legislature may from time to time establish by law.

Your committee feel it their duty, to also call the attention of the Senate to the navigable streams which flow through the state. They are fully impressed with an opinion that great facilities to the navigation of most of those streams, could be afforded at a comparatively small expense to the great utility resulting from their improvement. The efforts heretofore made have failed of success from two causes—The first was, that the clearing out those streams was confided to too many and too incompetent undertakers—the second was, that those undertakers attempted to prepare those streams for high flood navigation, instead of improving the navigation in the shoals and ripples of the streams. A part of your committee is partially acquainted with the efforts

made by Col. Muldrow to improve the navigation of the Kentucky, and have little doubt of its complete success, if the necessary aids had been granted from the treasury for the purpose. Surely to make a fair experiment of the utility of Col. Muldrow's plan, a few thousand dollars, when compared to the vast importance of its success, would be to the state but a trifle, and ought to weigh but little in the consideration of the question, whether the effort to remove the obstructions against the navigation of our rivers in low water, shall be made.

Your committee, therefore, earnestly press the consideration of this branch of Internal Improvement upon the consideration of the Senate, and that such provision may be made by law, as will give to the plan of improving our streams proposed by Col. Muldrow, a fair trial.

Your committee also beg leave to call the attention of the Senate to a revision of the road laws, and recommend that the mode of constructing and keeping in repair the public roads, be entirely and radically changed. By the law now in force, the roads are opened and repaired by the occasional labor of all the tytheable hands allotted on each road district or precinct by the County Courts. The wretched condition of our roads is, of itself, a strong evidence of the inadequacy of the present plan of keeping them open or in repair—but there are other, and very serious evils growing out of the system; one of which is, that the hands assembled to work, are generally unprovided with the necessary tools, and totally destitute of the skill to work the roads, and many of them wholly unaccustomed to labor; and what is the consequence? Why, that the roads are not worked, and the time of the citizens literally lost to themselves and their country—added to this consideration is another, which the committee think of some importance: It is, that according to the present plan of working the roads, the slave holder and the non-slave holder do not stand in the same situation, and that a poor man is bound to bestow the same labor as a man worth thousands—nor is it to be forgotten, that our laws place the slaves of the rich upon an equality with the free white citizen who is not a slave holder, by compelling them to perform the same labor under one common overseer—This, your committee think, tends to degrade the freeman to the level of a slave; and that its influence on the slave is not friendly to either his morals or habits of industry.

Your committee would therefore recommend a repeal of all the laws relating to the public roads, and that a law should pass, authorizing the county courts to construct and keep in repair the public roads in each county, by a tax levied, *ad valorem*, upon the taxable property of the county, and by such other

means as the Legislative wisdom may from time to time devise.

By this change your committee also think that a small augmentation of the county taxes will be sufficient to keep the roads in repair in all the counties; and that in some counties many of the roads will be levelled and paved, so as to add greatly to the beauty and wealth of the state; and should the taxes be increased by this plan, your committee feel assured that the increase will not be equal to the great benefits that will be experienced from the change proposed. Indeed they think that as the money to construct the roads would be expended among the people themselves, that the expenditure would itself create the means of payment: nor should it be overlooked that the people already pay large sums besides the involuntary labor to keep open these roads—and this by a poll tax: Whereas by the proposed plan, they are exempted from labor, and are thereby permitted to bestow the time and labor now utterly lost, to the cultivation of their farms. Your committee therefore offer for the consideration of the Senate the following resolution:

Resolved, That the present laws relating to the public roads should be so altered or changed as to authorize the county courts to levy a tax in the several counties in the state, for the purpose of raising a fund in each county, sufficient to construct and keep in repair the highways in each county; and that the good people should be relieved from involuntary labor upon such roads; and that the committee of courts of justice be instructed to prepare and bring in a bill to that effect.

Ordered, That the public printer forthwith print 150 copies of said report, for the use of the members of the General Assembly.

Mr. Given, from the select committee to whom was referred a bill for the benefit of John McLaughlin, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time on tomorrow.

Leave was given to bring in the following bills, to-wit:

On motion of Mr. Given—1. A bill to incorporate the Cumberland College, at Princeton.

On the motion of Mr. Daveiss—2. A bill authorizing Elizabeth Hall, executrix and Nimrod Greenwood, executor of Wm. Hall, deceased, to carry into effect the provisions of said decedent's will.

On the motion of Mr. Dudley—3. A bill to add a small part of Henry county to the county of Franklin.

On the motion of Mr. Andrew S. Hughes—4. A bill further to regulate the circuit courts in this Commonwealth.

And on the motion of Mr. Beaty—5. A bill for the benefit of the Sheriff of Rockcastle county.

Messrs. Given, Lockett, Locker, Pope, Green, R. Wickliffe, C. Allan and Slaughter were appointed a committee to prepare and bring in the first; Messrs. Daveiss, Green, Pope and Carneal the second; Messrs. Dudley, C. H. Allen and Gibson the third; Messrs. A. S. Hughes, Daveiss, Crutcher, Carneal and M'Connell the fourth; and Messrs. Beaty, Green and A. S. Hughes the fifth.

Mr. Daveiss moved the following resolution, to-wit:

Resolved by the Senate of Kentucky, That the president of the Bank of Kentucky is hereby requested to report to this house, (as early as practicable) how much of the capital stock held by the state, in said bank, has been paid over to the bank of the Commonwealth of Kentucky; when were the several shares paid; what amount of interest is due the state upon said stock; what application has been made of said interest since the 1st of January 1821; what is the amount of the reserved fund belonging to said bank; what amount of the stock of individuals has the bank purchased in; what amount of paper has said bank in circulation; and what funds do they possess to discharge the same.

Which was twice read and adopted.

Messages were received from the House of Representatives announcing the passage of bills of the following titles, to-wit:

An act for the benefit of the devisees of John Evans, deceased.

An act to authorize the appointment of additional justices of the peace and constables in certain counties.

An act for the benefit of certain sheriffs of this Commonwealth.

And an act to declare Little Barren river navigable.

A bill to provide for the rebuilding of the Capitol and for other purposes, was taken up and amended to read as follows, to-wit:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John Brown, Daniel Weisiger, John Harvie, John J. Crittenden, Peter Dudley, Evan Evans and James Shannon, or any five of them be, and they are hereby appointed commissioners to superintend the erection and building of a suitable Capitol,

and for that purpose, to make all arrangements and contracts, either parol or written, which may be required to effect the same.

Sec. 2. *Be it further enacted,* That it shall and may be lawful for said commissioners or any five of them, to employ a suitable architect to assist in the construction of the building, and to contract for the employment of all such other and necessary persons to assist in the building aforesaid, or, to let the building to an undertaker or undertakers, as to them may seem most for the public good, and all contracts made by them, shall be made in behalf and

in the name of the state of Kentucky, and all bonds or covenants taken by them, shall be in the name and payable to the state of Kentucky: *Provided however*, That said commissioners shall possess no authority to contract beyond the sum herein appropriated.

Sec. 3. *And be it further enacted*, That it shall be lawful for the said commissioners to contract for all materials deemed by them necessary for the building, and to do and perform all such other necessary and proper acts, as by them shall be deemed proper in discharging the duties assigned them by this act.

Sec. 4. *And be it further enacted*, That to enable the said commissioners to proceed forthwith in the erection of the building, that fifteen thousand dollars of any monies under the control of the Treasurer, arising from the *sales of vacant lands*, or dividends on the bank of the Commonwealth, or its branches, shall be and the same is hereby set apart to be, from time to time, applied in payment of the expenses of the erection of the building aforesaid; to be paid upon the order of the said commissioners, or any five of them, upon the Auditor of public accounts, who shall make to the commissioners a warrant upon the Treasurer for the amount demanded or required, who shall pay the same out of the fund set apart by this act.

Sec. 5. *Be it further enacted*, That the keeper of the Penitentiary shall, for and on account of the state, from time to time advance to the said commissioners, or on the draft of any five of them, in stone, or iron, or other materials manufactured in the Penitentiary, to any amount required in the building aforesaid, not exceeding five thousand dollars.

Sec. 6. *Be it further enacted*, That before the said commissioners shall proceed to act, that they shall jointly, or severally enter into a bond, or bonds, with good and sufficient securities, to be approved of by the Governor; to the state of Kentucky, in the penalty of fifty thousand dollars, conditioned for the faithful discharge of the duties, enjoined on them by this act, *Provided however*, that in an action on such bond, each commissioner and his security, or securities, shall be liable for any separate breach committed by him, and no one of the commissioners shall be liable for the costs of his brother commissioners without his concurrence, unless he be security for the delinquent commissioner or commissioners.

Mr. Cunningham moved to fill the blank in the first section of the bill with these words: "*at or as near the centre of the state as the commissioners herein named shall agree upon as a suitable scite.*"

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cunningham and Crutcher, were as follows, to-wit:

YEAS—Messrs. J. Allen, Beaty, Cockerill, Crutcher, Cunning-

ham, Daveiss, Faulkner, Green, Given, J. Hughes, Locker, Pope, Selby, Slaughter, Stephens, M. H. Wickliffe, Wood and Yancey—18.

NAYS—Messrs. C. Allan, C. H. Allen, Barrett, Carneal, Daniel, Dudley, Gibson, Garrard, Hickman, A. S. Hughes, Lockett, Mayo, McConnell, Muldrow, O'Bannon, Smith, Ward, White, R. Wickliffe and Woods—20.

Mr. Lockett moved to fill the said blank with "*at Louisville*."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Lockett and Carneal, were as follows, to-wit:

YEAS—Messrs. J. Allen, Beaty, Cockerill, Crutcher, Cunningham, Faulkner, Gibson, Given, J. Hughes, Lockett, Pope, Selby, Slaughter, Stephens, M. H. Wickliffe, Wood and Yancy—17.

NAYS—Messrs. C. Allan, C. H. Allen, Barrett, Carneal, Daniel, Daveiss, Dudley, Green, Garrard, Hickman, A. S. Hughes, Locker, Mayo, McConnell, Muldrow, O'Bannon, Smith, Ward, White, R. Wickliffe and Woods—21.

Mr. Martin H. Wickliffe moved to fill the said blank with, "*at Lexington*."

And the question being taken thereon, it was decided in the negative. The Senate being equally divided the Speaker voted in the negative.

The yeas and nays being required thereon by Messrs. M. H. Wickliffe and Carneal, were as follows, to-wit:

YEAS—Messrs. C. Allan, J. Allen, Beaty, Cockerill, Cunningham, Daviess, Faulkner, Green, Given, A. S. Hughes, Mayo, Pope, Selby, Slaughter, Stephens, M. H. Wickliffe, R. Wickliffe, Wood and Yancy—19.

NAYS—Messrs. C. H. Allen, Barrett, Carneal, Crutcher, Daniel, Dudley, Gibson, Garrard, Hickman, J. Hughes, Locker, Lockett, McConnell, Muldrow, O'Bannon, Smith, Ward, White and Woods—19.

Mr. Pope then moved to fill the said blank with "*at Bardstown*."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Pope and Carneal, were as follows, to-wit:

YEAS—Messrs. J. Allen, Beaty, Cockerill, Cunningham, Daviess, Faulkner, Given, Pope, Selby, Slaughter, Stephens, M. H. Wickliffe, Wood and Yancey—14.

NAYS—Messrs. C. Allan, C. H. Allen, Barrett, Carneal, Crutcher, Daniel, Dudley, Gibson, Green, Garrard, Hickman, A. S. Hughes, J. Hughes, Locker, Lockett, Mayo, McConnell, Muldrow, O'Bannon, Smith, Ward, White, R. Wickliffe and Woods

Mr. James Allen then moved to fill the said blank with "*at Greensburg.*"

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Pope and Crutcher, were as follows, to-wit:

YEAS—Messrs. J. Allen, Beaty, Cockerill, Crutcher, Cunningham, Daviess, Faulkner, Given, A. S. Hughes, Pope, Selby, Slaughter, Stephens, M. H. Wickliffe, Wood and Yancey—16.

NAYS—Messrs. C. Allan, C. H. Allen, Barrett, Carneal, Daniel, Dudley, Gibson, Green, Garrard, Hickman, J. Hughes, Locker, Lockett, Mayo, M'Connell, Muldrow, O'Bannon, Smith, Ward, White, R. Wickliffe and Woods—22.

Mr. Green then moved to fill the said blank with "*at Danville.*"

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Green and Carneal, were as follows, to-wit:

YEAS—Messrs. J. Allen, Beaty, Cockerill, Cunningham, Daviess, Faulkner, Green, Given, A. S. Hughes, Pope, Selby, Slaughter, Stephens, M. H. Wickliffe, Wood and Yancey—16.

NAYS—Messrs. C. Allan, C. H. Allen, Barrett, Carneal, Crutcher, Daniel, Dudley, Gibson, Garrard, Hickman, J. Hughes, Locker, Lockett, Mayo, M'Connell, Muldrow, O'Bannon, Smith, Ward, White, R. Wickliffe and Woods—22.

Mr. Daveiss then moved to fill the said blank with "*at Harrodsburg.*"

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daveiss and Carneal, were as follows, to-wit:

YEAS—Messrs. J. Allen, Barrett, Beaty, Cockerill, Cunningham, Daveiss, Faulkner, Given, A. S. Hughes, Pope, Selby, Slaughter, Stephens, M. H. Wickliffe, Wood and Yancey—16.

NAYS—Messrs. C. Allan, C. H. Allen, Carneal, Crutcher, Daniel, Dudley, Gibson, Green, Garrard, Hickman, J. Hughes, Locker, Lockett, Mayo, M'Connell, Muldrow, O'Bannon, Smith, Ward, White, R. Wickliffe and Woods—22.

Mr. Pope then moved to fill the said blank with "*at Lebanon.*"

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Pope and Carneal, were as follows, to-wit:

YEAS—Messrs. J. Allen, Beaty, Cockerill, Cunningham, Daviess, Faulkner, Given, A. S. Hughes, Pope, Selby, Slaughter, Stephens, M. H. Wickliffe, Wood and Yancey—15.

NAYS—Messrs. C. Allan, C. H. Allen, Barrett, Carneal, Crutcher, Daniel, Dudley, Gibson, Green, Garrard, Hickman,

J. Hughes, Locker, Lockett, Mayo, M'Connell, Muldrow, O'Bannon, Smith, Ward, White, R. Wickliffe and Woods—23.

Mr. Andrew S. Hughes then moved to fill the said blank with, "*on the public ground in the town of Frankfort.*"

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cockerill and Carneal, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, Barrett, Carneal, Crutcher, Cunningham, Daniel, Dudley, Gibson, Green, Garrard, Given, Hickman, A. S. Hughes, Locker, Lockett, Mayo, M'Connell, Muldrow, O'Bannon, Pope, Slaughter, Smith, Stephens, Ward, White, R. Wickliffe and Woods—28.

NAYS—Messrs. J. Allen, Beaty, Cockerill, Daveiss, Faulkner, J. Hughes, Selby, M. H. Wickliffe, Wood and Yancey—10.

Mr. Daveiss then moved to amend the fourth section of the said bill by striking out the words, "*sales of vacant lands, or*" printed in italics.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daveiss and Cockerill, were as follows, to-wit:

YEAS—Messrs. J. Allen, Barrett, Beaty, Cockerill, Cunningham, Daveiss, Faulkner, Hickman, Selby, Wood and Yancey—11.

NAYS—Messrs. C. Allan, C. H. Allen, Carneal, Crutcher, Daniel, Dudley, Gibson, Green, Garrard, Given, A. S. Hughes, Locker, Lockett, Mayo, M'Connell, Muldrow, O'Bannon, Pope, Smith, Stephens, Ward, White, R. Wickliffe and Woods—24.

Ordered, That the said bill be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with and the same being engrossed:

The question was taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Yancey and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, Barrett, Carneal, Crutcher, Daniel, Dudley, Gibson, Green, Garrard, Given, Hickman, A. S. Hughes, Locker, Lockett, Mayo, M'Connell, Muldrow, O'Bannon, Pope, Slaughter, Smith, Ward, White, R. Wickliffe and Woods—25.

NAYS—Messrs. C. Allan, J. Allen, Beaty, Cockerill, Daviess, Faulkner, Selby, Stephens, Wood and Yancey—10.

Resolved, That the title of the said bill be as aforesaid.

Ordered, That Mr. R. Wickliffe carry the same to the House of Representatives and request their concurrence.

And then the Senate adjourned.

THURSDAY, DECEMBER 21, 1826.

The Senate assembled.

Mr. Smith presented the petition of John Duley, praying that the law regulating civil proceedings, may be amended in relation to bringing suits in the name of individuals, without their consent.

Which was received, read and referred to the committee for courts of justice.

Mr. Yancey from the joint committee of enrollments reported, that the committee had examined an enrolled bill, entitled "an act for the benefit of Emely Bratton, &c. and had found the same truly enrolled.

A message was received from the House of Representatives, announcing that the said bill was signed by their speaker.

Whereupon the Speaker of the Senate signed the same, and it was delivered to the joint committee of enrollments to be laid before the Governor.

And after some time Mr. Yancey reported that the committee had performed that duty.

The Senate received from the Governor, by Mr. Loughborough, a message in writing.

Mr. Charles H. Allen from the committee for courts of justice, made the following report, to-wit:

The Committee for courts of justice have, according to order, had under consideration sundry bills to them referred, and have come to the following resolutions thereon, to-wit:

1. *Resolved*, That the bill for the benefit of Peter Ellis, *ought not to pass*.

2. *Resolved*, That the bill to amend the law in relation to the relinquishment of dower, *ought not to pass*.

3. *Resolved*, That the bill for the benefit of Christopher Dicken, *ought not to pass*.

4. *Resolved*, That the bill for the benefit of the infant heirs of Thomas Carter, deceased, *ought not to pass*.

5. *Resolved*, That the bill for the benefit of Sally Bryan, widow of Morgan Bryan, deceased, *ought not to pass*.

6. *Resolved*, That a bill from the House of Representatives, entitled, "an act for the benefit of the heirs of James Grubbs, deceased," *be disagreed to*.

Which was twice read; the first resolution was recommitted to a select committee of Messrs. Beaty, Mayo, Crutcher, Pope and Gibson; the second was recommitted to the committee for courts of justice; and the 3d, 4th, 5th and 6th were concurred in.

And so the said bills were disagreed to.

Ordered, That Mr. C. H. Allen inform the House of Representatives of the disagreement of the Senate to the sixth bill.

Mr. C. H. Allen from the committee for courts of justice made the following report, to-wit:

The committee for courts of justice have, according to order, had under consideration two petitions to them referred, and have come to the following resolutions thereon, to-wit:

Resolved, That the petition of Nancy Stemmons, praying that a law may pass authorizing the sale of the real estate of her deceased husband Jacob Stemmons, *be rejected*.

Resolved, That the petition of the administrators of Samuel Griffith deceased, praying that a law may pass authorizing them to make sale of the real estate, belonging to the heirs of said decedent, *be rejected*.

Which was twice read and concurred in.

Mr. C. H. Allen from the committee for courts of justice, to whom was referred, a bill for the benefit of Idiots, reported the same with an amendment.

Which was twice read and concurred in.

Ordered, That the said bill, as amended, be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed.

Resolved, That the said bill do pass, and that the title be amended to read, an act concerning Idiots.

Ordered, That Mr. Given carry the said bill to the House of Representatives and request their concurrence.

Messages were received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

An act to establish the county of M'Kee.

An act to add a part of the county of Harrison to the county of Grant.

An act to annex a part of Warren to Barren county.

An act for the benefit of Thomas Cull, late sheriff of Washington county.

An act for the benefit of John Bellamy and Samuel Johnson and others.

An act to establish certain election precincts; and,

An act for the benefit of William Jackson, Asahel Carl, Samuel Carrol and George Kelly.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. Smith—1. A bill for the benefit of Lucy Thomas.

2. A bill for the benefit of Rebecca Huett.

By Mr. Given—3. A bill to incorporate the Cumberland College at Princeton.

By Mr. Dudley—4. A bill to add a small part of Henry county to the county of Franklin.

By Mr. Beaty—5. A bill for the benefit of the sheriff of Rockcastle county.

By Mr. R. Wickliffe—6. A bill for the benefit of Catharine H. Bodley late Catharine H. Sheill one of the devisees of Hugh Sheill deceased.

By Mr. Daveiss—7. A bill to authorize Elizabeth Hall executrix, and Nimrod Greenwood executor of William Hall deceased, to carry into effect the provisions of said decedents will.

By Mr. Faulkner—8. A bill to punish trespassers.

By Mr. J. Allen—9. A bill for the benefit of Thomas Skaggs.

Which bills were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the third, and the second and third readings of the fourth bills having been dispensed with, the third was committed to the committee for courts of justice.

Resolved, That the fourth bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Dudley carry the said bill to the House of Representatives and request their concurrence.

Mr. Hickman read and laid on the table, a joint resolution for burning the notes on hand of the bank of the Commonwealth of Kentucky.

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee of four from the Senate and eight from the House of Representatives, be appointed to examine the Commonwealth's Bank, and count the notes on hand, and proceed immediately to cancel, by burning, the amount which may be found in said bank, except so much as the appropriations heretofore made and not complied with, if any, and contingent purposes of said bank, if any such contingency may be found expedient; and that said committee report herein as speedily as possible.

A message from the House of Representatives by Mr. Yantis.

Mr. Speaker—The House of Representatives have adopted a resolution for the recess of the General Assembly, in which they request the concurrence of the Senate.

And then he withdrew.

The said resolution was taken up and read as follows, to-wit:

In the House of Representatives, Dec. 21, 1826.

Resolved by the Senate and House of Representatives, That when they respectively adjourn on Saturday the 23d instant, they will adjourn to meet again on Wednesday the 27th inst.

Test,

R. S. TODD, C. H. R.

Mr. Wood moved to lay the said resolution on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. M'Connell and Cockerill, were as follows, to-wit:

YEAS—Messrs. J. Allen, Cockerill, Crutcher, Cunningham, Faulkner, Given, Locker, Mayo, M'Connell, O'Bannon, Pope, Selby, Slaughter, Ward, Wood and Yancey—16.

NAYS—Messrs. C. Allan, C. H. Allen, Barrett, Beaty, Carneal, Daniel, Daveiss, Dudley, Gibson, Green, Garrard, Hickman, A. S. Hughes, J. Hughes, Lockett, Muldrow, Smith, White, M. H. Wickliffe, R. Wickliffe and Woods—21.

The question was then taken on concurring in the said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cockerill and M'Connell, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, Barrett, Beaty, Carneal, Daniel, Daveiss, Dudley, Gibson, Green, Garrard, Hickman, J. Hughes, Lockett, Muldrow, Smith, White, M. H. Wickliffe, R. Wickliffe and Woods—20.

NAYS—Messrs. J. Allen, Cockerill, Crutcher, Cunningham, Faulkner, Given, A. S. Hughes, Locker, Mayo, M'Connell, O'Bannon, Pope, Selby, Slaughter, Ward, Wood and Yancey—17.

Ordered, That Mr. Garrard inform the House of Representatives thereof.

A bill from the House of Representatives entitled "an act to establish the county of M'Kee, was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, the said bill was committed to the committee of propositions and grievances.

Mr. M'Connell moved the following resolutions, to-wit:

Resolved, That the President of the Bank of the Commonwealth report to the Senate a statement of the expenditures of each of the branches for the current year, setting forth, particularly, in such report, the several items of expenditure incurred at the respective branches.

Resolved further, That the President of the Bank of Kentucky, report to the Senate the expenditures incurred by that bank during the current year, from the employment of agents to the bank, for the collection of the debts due the institution, including all the expenses attending the employment and pay of such agents.

Which was twice read and adopted.

An engrossed bill entitled, an act to amend an act entitled "an act to incorporate the trustees of Augusta College, was read the third time, and amended by way of engrossed ryder.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. A. S. Hughes carry the said bill to the House of Representatives and request their concurrence.
And then the Senate adjourned.

FRIDAY, DECEMBER 22, 1826.

The Senate assembled.

Mr. Gibson presented the petition of John Smith, administrator of the estate of James C. Smith deceased, praying that a law may pass authorizing him to convey a tract of land in Harrison county, sold by the deceased in his life time—and also authorizing the sale of a lot in Georgetown, for the purpose of paying the debts of the deceased.

Which was received, read and referred to the committee for courts of justice.

Mr. James Allen from the committee of propositions and grievances, to whom was referred a bill from the House of Representatives entitled, "an act to establish the county of M'Kee," reported the same without amendment.

Ordered, That the said bill be laid on the table until the first of January next.

Mr. Charles H. Allen from the committee for courts of justice, to whom was referred a bill to incorporate the Cumberland College at Princeton, reported the same with amendments, which were twice read and concurred in.

Ordered, That the said bill as amended, be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision, and third readings of the said bill having been dispensed with, and the same being engrossed.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Given carry the said bill to the House of Representatives and request their concurrence.

On motion—*Ordered*, That Mr. Chilton Allan have leave of absence from the service of the Senate, for to-day.

Mr. Yancey from the joint committee appointed to examine the Register's office, made the following report, to-wit:

The joint committee of the Senate and House of Representatives, appointed to examine and report the state of the Land Office, have performed the duty required, and report as follows: That they find transcribed from the Virginia Land Office two hundred and seventy-three bundles of surveys neatly labelled, with an alphabet; also, fifteen bundles containing the caveated and defective surveys, on which grants have issued; four bundles caveated surveys; two bundles defective surveys, and one bun-

dle of surveys misplaced from their proper bundle, all neatly labelled and recorded in eleven volumes, well bound, with a complete alphabet; two bundles of warrants located and mislaid; one bundle copies of wills; sixteen volumes, the record of grants issued on the aforesaid surveys in good order, with a complete alphabet; the record of military warrants from the Virginia Land Office, in two volumes, with alphabets, and in good order; a list of Virginia Treasury warrants in two volumes; the record of pre-emption warrants in one volume, containing the record of warrants under the proclamation of 1763, with alphabets and in good order; commissioners' certificates granted, in 1779 and 80, in three volumes, with alphabets, in good order. The sale books of non-residents' lands for the years 1800—1, 2, and 4, have a new alphabet, the books are somewhat worn; the books in which the sales of 1805, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 are recorded, they find in good order, with alphabets; two volumes in which surveys have been registered since 1792, in good order: The said surveys are tied up in one hundred and forty-four bundles, neatly labelled, with an alphabet: The record of these surveys, together with the record of some grants, is in 11 volumes, with an alphabet in good order: The grants issued on the aforesaid surveys are in twenty volumes to which there is an alphabet in good order: The surveys upon headright claims, are neatly registered in three volumes, with two alphabets, one of which is somewhat worn: The headright plats and certificates of survey are filed in three hundred and eight bundles, neatly labelled and recorded, in seventeen volumes, with two alphabets in good order; the grants issued thereon recorded in twenty-seven volumes well bound, with two alphabets in good order. The land warrants issued under the act of 1800, the surveys and grants on the same, as also the Tellico surveys and grants are in two volumes; they are registered in one volume, the original surveys tied up in twelve bundles, and neatly labelled, all in good order; nine bundles certificates on which warrants have issued; seven bundles certificates of sale of non-residents' lands, on which deeds have issued; one bundle Attorney General's opinions to the Register; three bundles county court certificates; eight bundles caveats since 1792; four bundles caveated surveys since 1792; two bundles of surveys not registered, for want of fees since 1792; one bundle of defective surveys since 1792; thirty-three bundles of vouchers, on which the late Kentucky land warrants have issued, all labelled and in good order; one volume containing the surveys under the proclamation of 1763, with an alphabet; two volumes of certificates granted in 1796, and three volumes in 1798, with alphabets; Anderson and Croghan's military entry books, in two volumes with alphabets;

the transcript of Lincoln entries in two volumes, with an alphabet in good order; May's entries (so called) transcribed, in five volumes, with two alphabets, in good order; one volume of Green's deputy register of surveys, made previous to June 1792; one volume relinquishments in tolerable order; a list of Kentucky warrants, issued under the act of 1814, and the subsequent acts, in two volumes, and the record of said warrants in nine volumes, the original surveys made on said warrants are tied up in two hundred and thirty-three bundles, neatly labelled and recorded in thirteen volumes well bound, the grants issued thereon recorded in twenty-one volumes well bound, with two alphabets, in good order; said surveys are neatly registered in three volumes, with two alphabets in good order; three volumes in which caveats are recorded, with alphabets; eleven books of original entries, from the county of Fayette neatly transcribed, in four volumes, well bound with an alphabet, in good order: Agreeably to an act of Assembly, approved 5th January, 1824, one book of original entries from the county of Mercer, one from Bourbon and one from Nelson, have been returned by the surveyors of said counties to the Register's Office, agreeably to the requisitions of an act, approved February 12th, 1820, all of which books of entries are in order, fit to be used. The surveyor of Jefferson county has failed to return the original entries of that county to the Land Office, as your committee have been informed by the Register, one volume of military grants for lands west of the Tennessee river, one volume, in which the surveys of that land are registered, and one volume in which they are recorded, the surveys are neatly tied up in six bundles, each volume having a separate alphabet; one volume in which certificates of sale of the land west of the Tennessee river are recorded, two volumes of grants issued thereon, with an alphabet in good order; one volume of Henderson's field notes, (this book is not well bound,) one volume in which surveys of land, south of Walker's line are recorded; one volume of grants, one volume in which the same are registered, with alphabets, all in good order; the surveys of these lands are tied up in nine bundles, neatly labelled; one volume of the list of warrants for lands S. W. of Walker's line and one volume in which those warrants are recorded.

The Register exhibited great promptitude in attending to and assisting us in the necessary examination of his office, and afforded every facility therein that could have been asked; all of which is respectfully submitted.

Your committee are satisfied from the examination they have made, that the business in the Land Office has greatly increased, owing to the reduction of the price of land warrants, and the bringing into market, the lands in the state of Tennessee, south

of Walker's line, they are therefore, of opinion, that the salary as now reduced, of that officer, is not adequate to the labor and duties, he has to perform. Given under our hands, this 22nd December, 1826.

JOEL YANCEY,
MARTIN BEATY,
H. B. MAYO,

From the Senate.

JOHN GRIFFIN,
JAMES FARMER,
CYRUS WINGATE,
M. WELLS,
WILLIAM LOVE,

From the House of Representatives.

On motion—*Ordered*, That Messrs. Faulkner and Barrett be excused from, and Messrs. Locker and Wood added to, the committee appointed to examine the Auditor's office.

Mr. Faulkner from the committee on that part of the Governor's Message which relates to communications to be made through the office of the Adjutant General, reported a bill to regulate the militia correspondence of this Commonwealth; which was read the first time and ordered to be read a second time. And thereupon the rule of the Senate, constitutional provision, and second and third readings of the the said bill having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Faulkner carry the said bill to the House of Representatives, and request their concurrence.

The Senate received from the Governor, by Mr. Loughborough, assistant secretary, a message in writing.

A bill further to regulate the sale of land west of the Tennessee river, was read the second time, amended and ordered to be engrossed and read a third time on to-morrow.

An engrossed bill entitled, an act for the benefit of the heirs of Josiah Bass, deceased, was read the third time; and the question being taken on the passage thereof, it was decided in the negative, and so the said bill was rejected.

At one o'clock P. M. Mr. Charles H. Allen moved that the Senate do now adjourn; and the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Beaty and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, Barret, Carneal, Cunningham, Dudley, Faulkner, Garrard, Given, Lockett, Muldrow, Selby, Stephens, Ward and White—14.

NAYS—Messrs. J. Allen, Beaty, Cockerill, Crutcher, Daniel, Daveiss, Green, Hickman, Locker, Mayo, McConnell, O'Bannon, Pope, Slaughter, Smith. Wood and Yancy—17.

Bills from the House of Representatives of the following titles, to-wit:

1. An act to legalize the proceedings of the trustees of the town of Madisonville.

2. An act authorising the trustees of the Washington Academy to sell their lands.

3. An act for the benefit of the deaf and dumb asylum at Danville.

4. An act allowing additional justices of the peace, to certain counties in this Commonwealth.

5. An act to authorise the stockholders of the Bank of Limestone to elect an agent or commissioner.

6. An act to add a part of the county of Caldwell to the county of Trigg.

And 7. An act for the benefit of Martha Bridges.

Were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the second, third, fourth and fifth, and the second, and third readings of the first and seventh bill, having been dispensed with,

The second was committed to a select committee of Messrs. Garrard, Crutcher and Pope; the third and fifth to the committee for courts of justice; and the fourth to a select committee of Messrs. McConnell, O'Bannon and Barrett.

Resolved, That the first and seventh bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Yancey inform the House of Representatives thereof.

An engrossed bill entitled, an act for the benefit of Obadiah Woodrum, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Selby carry the said bill to the House of Representatives, and request their concurrence.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act for the benefit of Headright and Tellico settlers, and for other purposes.

Mr. Daveiss, at ten minutes past 2 o'clock P. M. moved that the Senate do now adjourn until Wednesday next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wood and M'Connell, were as follows, to-wit:

YEAS—Messrs. Barret, Beaty, Daniel, Daveiss, Dudley, Gibson, Garrard, Hickman, Lockett, Muldrow, Pope, Slaughter, Smith, Ward, White, M. H. Wickliffe and Yancey—17.

NAYS—Messrs. C. H. Allen, J. Allen, Carneal, Cockerill, Crutcher, Cunningham, Given, Locker, Mayo, M'Connell, O'Bannon, Selby and Wood—13.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 27, 1826.

The Senate assembled.

Mr. James Allen, from the committee on that part of the Governor's message which relates to the judiciary of this State, reported a bill concerning the Circuit Courts, which was received, and read the first time, as follows, to-wit:

Whereas the judges both of the supreme and inferior courts of this Commonwealth, according to the constitution, hold their offices during good behavior and the continuance of their respective courts, and cannot be removed therefrom in any other mode than by impeachment or address. And whereas the legislature, by an act entitled, An act further to regulate the Circuit Courts of this Commonwealth, approved February 3d, 1816, attempted to abolish the office of assistant judges of said courts, by repealing so much of the law as creates the office of assistant judges. And whereas so much of said recited act as removes from office the aforesaid assistant judges, in a mode unknown to the constitution, or attempts to remove them *during the continuance of their respective courts*, is deemed a dangerous violation of the constitution, and subversive of the long tried principles upon which experience has demonstrated that the security of life, liberty and property depend; and the present legislature concurring most solemnly in the belief of the unconstitutionality and evil tendency of said recited act. And whereas the assistant judges of the aforesaid Circuit Courts, at the time of the passage of the aforesaid recited act, did, by virtue of the constitution, remain in office, the said recited act to the contrary notwithstanding, and are now rightful and constitutional judges of said Circuit Court; none of whom having resigned or been removed from office by impeachment or address, the only constitutional modes by which a judge of the supreme or inferior courts can be removed—Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the first section of the said recited act, as abolishes or attempts to abolish the office of assistant judge, and thereby removing the assistant judges from office,

during the continuance of their respective courts, be repealed and declared null and void; and that so much of any and every law which was repealed or changed, or intended to be repealed by the first section of said recited act, is hereby revived, re-enacted and declared to be in full force, and to have in all respects the same effect and operation, as if the said recited act had not passed.

Sec. 2. *Be it further enacted*, That there shall be appointed two assistant judges in each county erected since the passage of the above recited act, and also in such county or counties as may be erected during the present General Assembly.

Mr. McConnell moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McConnell and Green, were as follows, to-wit:

YEAS—Messrs. Beaty, Cockerill, Crutcher, Cunningham, Daveiss, Faulkner, Green, Garrard, Hickman, Locker, Locket, McConnell, Muldrow, O'Bannon, Selby, Slaughter, Ward, White, M. H. Wickliffe, R. Wickliffe, Woods, Wood and Yancey—23.

NAYS—Messrs. C. H. Allen, J. Allen, Daniel, Dudley, Mayo and Stephens—6.

A message from the Governor by Mr. Loughborough, assistant secretary.

Mr. Speaker—I am directed by the Governor to return to the Senate in which it originated, with his objections, an enrolled bill entitled, an act to remove the unconstitutional obstructions which have been thrown in the way of the Court of Appeals.

And then he withdrew.

The Speaker laid before the senate, the following letter and statement, to-wit:

Bank of Kentucky, December 27, 1826.

SIR—Enclosed is submitted, a statement containing the information called for by the resolutions of the 20th and 21st inst.

Respectfully,

J. HARVIE, *President.*

The HON. ROBERT B. M'AFEE, *Speaker of the Senate.*

Forty per cent of the Capital Stock of the Bank of Kentucky, belonging to the State, has been paid over to the Bank of the Commonwealth of Kentucky, as follows, to-wit:

On the 29th July, 1824,	- -	59,670
11th January, 1825,	- -	59,670
28th July, " "	- -	59,670
31st July, 1826,	- -	59,670

238,680

The stock belonging to the State received its due proportion of interest through the Treasurer, in the way of dividends declared 1st July, 1821, 1st January, 1822, 1st July, 1822, 1st January, 1823, and 1st January, 1824. Since which no dividend of interest has been paid to the Stock-holders, it is carried to, and constitutes a part of the reserved fund.

Amount of the reserved fund - - - \$235,001 52

Amount of stock purchased from individuals, - - - - - 1218,140

The Bank has now in circulation paper to the amount of - - - - - 84,265 39

And has no other cash fund for its redemption than the notes of the Bank of the Commonwealth of Kentucky—The specie funds in Bank belong to individuals specially deposited.

The expenditures incurred by the Bank during the current year from the employment of Agents for the collection of debts due to the institution, amount to *three thousand six hundred and seventy-three dollars*, and four cents.

W. S. WALLER, *Cashier.*

BANK OF KENTUCKY, DEC. 21, 1826.

Mr. Mc'Connell read and laid on the table a resolution, fixing a day for the election of public officers.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Crutcher—1. A bill to alter the time of the annual meeting of the General Assembly.

On the motion of Mr. Daveiss—2. A bill to incorporate a company to turnpike the road from Perryville to Harrodsburg.

And on the motion of Mr. Selby—3. A bill to establish an Academy in Russell county.

Messrs. Crutcher, Cockerill and Woods, were appointed a committee to prepare and bring in the first; Messrs. Daveiss, Green, Yancy and J. Allen, the second; and Messrs. Selby, Green, Beaty and Crutcher, the third.

The yeas and nays being required on granting leave to bring in the first bill, by Messrs. Cockerill and Crutcher, were as follows, to-wit:

YEAS—Messrs. C. Allan, Cockerill, Crutcher, Daveiss, Dudley, Green, Hickman, Locker, Mayo, Muldrow, O'Bannon, Selby, Slaughter, M. H. Wickliffe, Woods, Wood and Yancey—17.

NAYS—Messrs. C. H. Allen, J. Allen, Beaty, Cunningham, Daniel, Faulkner, Garrard, Lockett, Mc'Connell, Stephens, Ward, White and R. Wickliffe—13.

Mr. Crutcher, from the select committee to whom was referred a bill from the House of Representatives, entitled, an act authorizing the trustees of the Washington academy to sell their lands,

reported the same with amendments; which were twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time.

A bill concerning writs of error and appeals, and for other purposes, was read the second time, and amended.

Mr. Daviess moved to commit the said bill to the committee for courts of justice.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Daveiss, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Cockerill, Daniel, Daveiss, Dudley, Green, Hickman, Lockett, Mayo, O'Bannon, Selby, Wood and Yancey—14.

NAYS—Messrs. C. Allan, Beaty, Crutcher, Faulkner, Garrard, Locker, McConnell, Muldrow, Slaughter, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—15.

Mr. Daveiss then moved to amend the said bill, by adding thereto the following section, to-wit:

Sec. 7. All act or acts done by either court claiming to be the Court of Appeals, since 24th December, 1824, in relation to the causes depending before them, are hereby legalized, and declared valid, subject to the provisions and restrictions contained in this act.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daveiss and R. Wickliffe, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, Cockerill, Daveiss, Dudley, Mayo, O'Bannon, Selby and Yancey—8.

NAYS—Messrs. C. Allan, J. Allen, Beaty, Crutcher, Faulkner, Green, Garrard, Hickman, Locker, Lockett, McConnell, Muldrow, Slaughter, Stephens, Ward, White, R. Wickliffe, Woods and Wood—19.

Ordered, That the said bill be engrossed, and read a third time on to-morrow.

The message from the Governor, received on the 22d instant, was taken up and read as follows, to-wit:

Gentlemen of the Senate,

I nominate for your advice and consent, Thomas M. Hickey, Esquire, to be commissioned Circuit Judge in and for this Commonwealth, to preside in the third judicial district, in place of the honorable Jesse Bledsoe, resigned.

Dec. 22, 1826.

JOSEPH DESHA.

Resolved, That the Senate advise and consent to the said appointment.

Ordered, That Mr. Yancey inform the Governor thereof.

Mr. Crutcher moved the following resolution, to-wit:
Resolved, That the Sergeant-at-Arms procure a stove for the Senate chamber.
Which was twice read and disagreed to.
And then the Senate adjourned.

THURSDAY, DECEMBER 28th, 1826.

The Senate assembled.

Messages were received from the House of Representatives, announcing the passage of bills by that body, of the following titles, to-wit:

An act to establish election precincts in certain counties.

An act for the benefit of Jeremiah Duncan and children.

An act to allow an additional justice of the peace for Henry county.

An act to provide for running the lines of Edmonson county.

An act for the benefit of Elijah Adkins and Richard Tidings.

An act for the benefit of the surveyor of Pike county.

An act for the benefit of James Kash and William Trimble.

An act to erect and establish the county of Anderson, out of parts of the counties of Franklin, Washington and Mercer.

An act for the benefit of the infant children of James Johnson, deceased.

An act for the benefit of James Rouse.

And an act for the benefit of the Sheriff of Henderson county.

And that they concur in the amendments proposed by the Senate, to bills from the House of Representatives of the following titles, to-wit:

An act to change the names of Nancy and Elizabeth Murphy.

And an act to allow three additional terms of the County Court for Scott county, and to change the time of holding the same.

Mr. Yancey, from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles:

An act for the benefit of Headright Settlers and for other purposes;

And an act to legalize the proceedings of the trustees of the town of Madisonville;

And had found the same truly enrolled.

The Senate received a message from the House of Representatives, announcing that their Speaker had signed the former bill.

Whereupon the Speaker of the Senate signed the same, and it was delivered to the joint committee, to be laid before the Governor.

And after some time Mr. Yancey reported, that they had performed that duty.

Mr. Cockerill presented the petition of the trustees of the Allen seminary, praying that trustees may be appointed to that institution, and that they be authorized to sell their lands.

Mr. Garrard presented the petition of sundry citizens of Laurel county, praying that a part of the turnpike and wilderness road be placed under the control of the Laurel County Court.

Which were severally received, read and referred. The former to a select committee of Messrs. Cockerill, Green, Yancey, Slaughter and Daveiss; and the latter to the select committee appointed to prepare and bring in a bill to reduce into one, the several acts concerning the turnpike and wilderness road.

Mr. Lockett presented the petition of Christopher Dicken, setting forth various grievances, and praying for redress.

Which was received and read.

Mr. Lockett, with the leave of the Senate, withdrew the said petition.

Mr. James Allen, from the committee of propositions and grievances, reported a bill for the benefit of Elijah Combs.

Which was received and read the first time, and ordered to be read a second time.

Mr. Beaty, from the committee to whom was referred, a bill for the benefit of Peter Ellis, reported the same, with an amendment.

Which was twice read and concurred in.

And the question being taken on engrossing the said bill, as amended, and reading it a third time, it was decided in the negative; and so the said bill was rejected.

Mr. McConnell, from the select committee to whom was referred a bill from the House of Representatives entitled, an act allowing additional justices of the peace to certain counties in this commonwealth, reported the same with an amendment.

Which bill and amendment were read as follows, to-wit:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be appointed and commissioned according to law, one additional justice of the peace for the county of Scott, *who shall reside on the north side of Big Eagle creek.*

Sec. 2. *Be it further enacted*, That the county of Clay be entitled to two additional justices of the peace.

Sec. 3. *And be it further enacted*, That there shall be appointed and commissioned according to law, one additional justice of the peace for the county of Calloway, *who shall at present reside within the bounds of Cpt. Clayton's company.*

Sec. 4. *And be it further enacted*, That there shall be appointed and commissioned according to law, one additional justice of the peace for the county of Grant, *who shall, when commissioned, reside within the bounds of Williamstown.*

Sec. 5. *And be it further enacted*, That there shall be appointed and commissioned according to law, one additional justice of the peace for the county of Harrison, *who shall, when commissioned, reside within the bounds of Cynthiana.*

Sec. 6. *And be it further enacted*, That one additional justice of the peace for Harrison county, shall be appointed and commissioned according to law, *who, when commissioned, shall reside within the bounds of Capt. Jeremiah Morgan's company.*

Sec. 7. *And be it further enacted*, That there shall be appointed and commissioned according to law, two additional justices of the peace for the county of Ohio, *one to reside within the election precinct of said county.*

The amendment.

Sec. 8. There shall be an additional justice of the peace allowed to Fleming county, *to reside within the neighborhood of Joseph Williams.*

Sec. 9. So much of the fourteenth section of an act, entitled, "an act to allow additional justices of the peace and constables to sundry counties," approved December the twelfth, one thousand eight hundred and twenty-five, as requires that the additional justice of the peace to be allowed to Greenup county, shall be appointed on Tegret's creek, between Edward Grulkie's and the Duncan neighborhood, shall be and the same is hereby repealed; *and the additional justice of the peace so allowed, shall be appointed within five miles of the mouth of the Buffaloe fork of Tygart's creek.*

Mr. Woods moved to amend the said amendment, by striking out the words *printed in italics.*

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Daveiss and Green, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, Barrett, Beaty, Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Dudley, Faulkner, Gibson, Green, Garrard, Given, Hickman, Locker, Lockett, Mayo, McConnell, Muldrow, O'Bannon, Pope, Slaughter, Stephens, White, M. H. Wickliffe, R. Wickliffe, Woods, Wood and Yancey—31.

NAYS—Messrs. J. Allen and Selby—2.

The said amendment was then concurred in.

Mr. McConnell moved to amend the said bill by striking out the words *therein printed in italics.*

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McConnell and Woods, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, Barrett, Beaty,

Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Dudley, Faulkner, Gibson, Green, Garrard, Given, Hickman, Locker, Lockett, Mayo, M'Connell, Muldrow, O'Bannon, Pope, Slaughter, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe, Woods, Wood and Yancey—32.

NAYS—Messrs. J. Allen and Selby—2

The said bill was further amended, and ordered to be read a third time.

The objections of the Governor, to an enrolled bill, entitled "an act to remove the unconstitutional obstructions which have been thrown in the way of the Court Appeals, were taken up and read as follows, to-wit:

GENTLEMEN OF THE SENATE.

Having examined and considered the bill, entitled "an act to remove the unconstitutional obstructions which have been thrown in the way of the Court of Appeals," I now return the same to the Senate in which it originated, with my objections.

When I met you at the opening of the present session of the general Assembly, I entertained the pleasing hope, that our judiciary troubles would be amicably terminated; and that we should all unite in measures calculated to call into action the internal resources of the state, and the intellect of our citizens. But I regret to say, that in the bill presented for my approbation and signature, I perceive nothing of that spirit of forbearance, which is necessary to conciliate the exasperated feelings of party contention, and lead to union and harmony. On the contrary, it bears on its face the proud language of an exulting victor; demanding of his prostrate antagonist, not only that he shall submit to see his most confident opinions and dearest principles stigmatized upon the statute book of his country, but that he shall subscribe as true, doctrines and declarations which in his conscience he believes to be unsound and untrue.

Bound to believe, from the declarations of their organs in both branches of the Legislature, that the people demand the repeal of the re-organizing act, and the abrogation of the new court, I should with the utmost alacrity, have affixed my signature to any act, which should have confined itself to a simple effectuation of their will. Although I might have deplored the temporary prostration of some of the most important principles of free government, as the result of such an act; yet I should have felt myself bound to acquiesce in the decision of the people, as pronounced through you, until it should be reversed by that sovereign power which should control your acts and mine.

But I cannot believe that the people have instructed you to demand of me, in addition to my acquiescence in their decision, to affix my official signature to unnecessary declarations which I

believe to be untrue, or give my affirmative sanction to doctrines which I believe unsound. The people are not a tyrant. They do not require of their Governor to conform his thoughts and words to their opinions—In demanding that every public functionary shall give effect to their will, they do not require of him to surrender his own opinions, or subscribe to theirs. They glory in the inestimable privilege which leaves to every man the right to think and speak as he pleases, whether in the executive chair or at the plough.

But what do you demand of me in your preamble? In its first sentence you say, "the court of Appeals of Kentucky was created by the constitution of the state." This I do not believe. You proceed to declare that the whole of the re-organizing act, and the consequent salary act, have been declared by the people to be "dangerous violations of the constitution, and subversive of the long tried principles, upon which experience had demonstrated, that the security of life, liberty and property depend." This also I do not believe. You further declare, that the judges of the Court of Appeals in office at the passage of said recited act, did, by virtue of the constitution, remain in office, the said recited act notwithstanding; and that William Owsley and Benjamin Mills, "are now rightful and constitutional judges of the Court of Appeals." Neither do I believe this. Yet in the name of the people, you require me to approve and sign all these declarations. I deny your authority. These declarations are mere matters of opinion, and when spread upon the statute book, will have no legal effect. They do not repeal the re-organizing act, or abrogate the new court. If the Court of Appeals was created by the constitution, the people need not your declaration to establish the fact. If the people have decided the re-organizing act and salary act unconstitutional, they need not that you should tell them they have so decided. If William Owsley and Benjamin Mills are rightful and constitutional judges of the Court of Appeals, your declaration cannot make them more so. Nor would any of these things be a whit more true, were I to sanction them with my approbation and signature. I, therefore, cannot sign my name to your preamble, and I deny that the people have authorized you to make the demand. They expect, that in any official acts, I will obey their decision: not that I will subscribe to their opinions or yours. The Governor and General Assembly are fellow servants of the people. It is their business to obey the command of their master, without stopping to set forth or quarrel about his reasons. And when one servant stops to tell his fellow servant what are the reasons of his master's command, and require him to subscribe to them, he travels out of his duty, and attempts to become master himself; not a reasonable and indulgent master, but a tyrant, endeavoring to control private opinion. In this

light I view your preamble. Send me an act repealing the re-organizing act, and the salary act, and as the servant of the people, I shall be as prompt in rendering obedience as yourselves; but I protest against your right to require me to subscribe to the correctness of the reasons on which the will of our common master is founded. I have said I do not believe that the Court of Appeals was created by the constitution. To *create*, means to bring into existence. I find in the constitution the following provisions, to-wit:

Article 1st, Section 1. "The powers of the government of the State of Kentucky, shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to-wit: Those which are legislative to one; those which are executive to another; those which are judiciary to another."

Article 4th, Section 1. The judicial power of this Commonwealth, both as to matters of law and equity, shall be vested in one supreme court, which shall be styled the Court of Appeals, and in such inferior courts as the General Assembly may, from time to time, erect and establish.

Section 3. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; but for any reasonable cause, which shall not be sufficient ground of impeachment, the Governor shall remove any of them, on the address of two thirds of each house of the General Assembly, &c.

Article 6. Sec. 12. "The Attorney General and other attorneys for this Commonwealth, who receive a fixed annual salary from the public Treasury, judges and clerks of courts, justices of the peace, surveyors of land, and all commissioned militia officers, shall hold their respective offices during good behaviour, and the continuance of their respective courts, under the exceptions contained in this constitution."

Article 3. Sec. 8. "He (the Governor) shall nominate, and by and with the consent of the Senate, appoint all officers whose offices are established by this constitution or shall be established by law, and whose appointments are not herein otherwise provided for," &c.

The first section above quoted, provides, that there shall be a judicial department. But this declaration did not establish the judicial department; because the second section quoted, declares that such department shall consist of a court of appeals and inferior courts. Neither did this create the judicial department; for it is *expressly* declared, that a part of it, and *impliedly* that the whole of it, shall be established by the General Assembly. That such is the true construction of this section, is proved by the last section quoted. If the Court of Appeals was created by the constitution, so were the offices of the judges, and the Governor could have proceeded to fill them without waiting their establish-

ment by law. But it is admitted on all hands, that the Governor had no such power. Therefore the offices of the judges of the Court of Appeals, and consequently the court itself, were not established, or created by the constitution.

By throwing aside speculation and listening to the authority of facts, we shall, on this subject, arrive at a just conclusion. The first constitution of Kentucky which contained the same provision in relation to the vestiture of judicial power, as the present, was formed in April, 1792, to take effect on the first day of the following June. In the latter month the first legislature met, and a Governor was already in office. Thus were two departments of the government brought into existence, and vested with their respective powers by the constitution. The legislative and executive powers were *vested* in a General Assembly and a Chief Magistrate. In relation to these departments, the constitution had fulfilled its own injunctions, had created the offices and vested the powers. But as yet there was no judiciary department. The judicial power of this Commonwealth was not vested in a Court of Appeals and inferior courts, according to the command of the constitution. The Governor had no authority to appoint judges; for the constitution had established no judicial offices.

The first legislature was composed, it is believed, principally of the same men, who had not three months before, formed the constitution. In their legislative capacity they immediately proceeded to fill up that out line of government which they had drawn in that instrument by establishing offices and courts.— Their first act was “an act *establishing* an Auditor’s office of public accounts.” They also passed “acts *establishing* a permanent revenue,” “*establishing* a land office,” “*establishing* county courts, courts of quarter sessions and a court of oyer and terminer,” and lastly, “*establishing* the Court of Appeals.” The Governor could appoint no Auditor until the act passed establishing his office; he could appoint no Register until the land office was established; he could appoint no judge of an inferior court until county courts, courts of quarter sessions and of oyer and terminer, were established; nor could he appoint a judge of the Court of Appeals before the passage of the act *establishing* that court.

The discrimination of that legislature as evinced in the titles of their acts, is worthy of remark. When legislating in relation to offices established by the constitution, they do not use the word *establishing* in giving names to their acts. Thus, they passed “an act *concerning* surveyors,” “an act *concerning* the Treasurer,” “an act *concerning* sheriffs,” &c.

This fact is conclusive, that they did not give titles to their acts without reflection or discrimination. That which did not previously exist and was enjoined by the constitution or neces-

sary in government, they *established*; that which was created by the constitution they merely *regulated*.

The constitution had declared, "that the judicial power *shall be vested* in one supreme court, to be styled the Court of Appeals," and inferior courts. The first legislature considered this tantamount to a declaration, that the *legislature shall vest* the judicial power in one Court of Appeals, and such inferior courts as they might choose to establish. But finding no court in existence to receive either the name or the powers of a Court of Appeals, they proceeded to establish that tribunal. The establishing act became a law on the 28th of June 1792, and on the same day the act establishing inferior courts. Then and not before, had the Governor the power to nominate judges. Their offices were, therefore, *established* by law, and not by the constitution.

But it is sometimes objected, that the act entitled "an act establishing the Court of Appeals," did not, in fact, establish that court, and as evidence of the truth of this position it is alleged, that the words of the act are not creative. The same argument would *prove more* conclusively that it was not created by the constitution. The constitution does not say a Court of Appeals is hereby established, but simply that the judicial power *shall be vested* in one supreme court, which *shall be styled* the Court of Appeals. It does no more than declare that there shall be one supreme court and prescribes its name. It declares substantially, that the legislature *shall establish* one supreme court which they *shall style* the Court of Appeals, and in that, together with such inferior courts as they may choose to establish, shall they *vest* the judicial power. Having a name prescribed in the constitution, the first legislature proceeded to create the tribunal which should bear it. Their act commences thus:

"The Court of Appeals shall consist of three judges, any two of whom shall be sufficient to constitute a court; one of them shall be called chief justice of Kentucky, another second judge of the Court of Appeals, and another the third judge of the Court of Appeals, and shall be commissioned and have precedence accordingly."

If this language be not creative, it would be difficult to tell what is. It tells us of what the court shall *consist*. It establishes the offices of a chief justice, a second and third judge. The act afterwards proceeds to vest in the court so created, a portion of the judicial power of this Commonwealth. Then, and not before, was a portion of the judicial power *vested* in one supreme court *styled* the Court of Appeals. It was the *act* therefore, which created that court and not the constitution.

The offices of chief justice, and second and third judge having been established by this act, the Governor nominated, and by and with the advice and consent of the Senate, appointed to fill them,

George Muter chief justice of Kentucky, *Benjamin Sebastian* second judge and *Caleb Wallace* third judge of the Court of Appeals. In January 1793 the court was organized. The following is the history of that transaction as entered of record.

"At the court house in Lexington, on Monday the day of "January, 1793, and in the first year of the Commonwealth, in "pursuance to an act of the General Assembly of the state of "Kentucky, passed on the 6th day of December, in the year "1792, entitled 'An act authorizing the Court of Appeals to hold "an additional session.

"The Hon. *George Muter*, Esq. produced a commission from "his Excellency the Governor, appointing him Chief Justice of "Kentucky, and also produced the following certificate, of his "having taken the oath of office:

"Fayette St.

"I do hereby certify, that *George Muter*, Esq. this day produced to me, (a justice of the peace for said county,) a commission, appointing him Chief Justice of Kentucky, and took the "oath of fidelity to the state prescribed by the constitution, and "the oath of office prescribed by the law establishing the Court of "Appeals. Given under my hand, this day of 1793.
"J. TROTTER."

In like manner, *Benjamin Sebastian*, and *Caleb Wallace*, Esq's. produced commissions as second and third judges, with certificates of having taken the necessary oaths. "And then a Court of Appeals was held for the state of Kentucky, present the Honorable *George Muter*, *Benjamin Sebastian*, and *Caleb Wallace*."

Now, let me ask, could these men ever have been appointed, and commissioned Chief Justice of Kentucky, second Judge of the Court of Appeals, and third Judge of the Court of Appeals, if the act of June 28th, 1792, had never passed? No; it was by virtue of that act that they were appointed; it was "in pursuance to law" that they held their first and every other session; it was from the law that their court obtained existence, form and power. It was not, therefore, created by the constitution.

The statute book and records of the country are full of evidence, that the offices of these judges, and consequently the Court of Appeals, were created by act of Assembly. In 1796, the Legislature passed a second act, entitled "an act establishing the Court of Appeals:" It was a mere re-enactment of so much of the act of 1792, as was then in force, or then deemed expedient to be retained. In 1801 they passed an act, entitled "an act to amend the act, entitled an act establishing the Court of Appeals and for other purposes." The fourth section of this act reads as follows, viz.

"Be it further enacted, That the Court of Appeals shall from

"henceforth be composed of four judges, any three of whom shall constitute a court."

From 1792 up to the passage of this act, the court had been composed of three judges. Could the Governor, by and with the advice and consent of the Senate, have appointed a fourth judge, previous to the passage of this act? Surely not. He was not, therefore, one of those officers whose offices were established by the constitution. But the office having been established by this act, the Governor proceeded to appoint the fourth judge, as he had done the three former, in obedience to the act of 1792.

In January 1813, the Legislature passed another act, entitled "An act to amend an act, entitled an act to amend an act establishing the Court of Appeals and for other purposes, approved December 19th, 1801." This act contains the following provisions:

"Be it enacted, &c." That so much of the act approved December 19th, 1801, as declares that the Court of Appeals shall be composed of four judges, shall be, and the same is hereby repealed: And the court of Appeals hereafter, shall be composed of three judges only," &c.

The office of fourth judge was thus abolished, and the Governor no longer had power to appoint such an officer. That office was not, therefore, established by the constitution. All the judges of the Court of Appeals hold by the same tenure; all their offices have the same origin. If one be created by the constitution, so are all. We have seen that one office in that court has been created by act of Assembly, and abolished by the repeal of that act. Therefore, all the offices of all the judges are created by acts of Assembly, and the repeal of the acts of 1792, and 1796, must as effectually, abolish the office of Chief Justice, second and third judge, as the repeal of the act of 1801, did that of fourth judge. How then, can it be said, that these offices or this court were created by the constitution? I am confirmed in the belief, that the Court of Appeals was not established by the constitution, by the language used by the judges of that court in some of their decisions. In the case of *Singleton vs. Madison*, 1st Bibb—342, decided by Judges Edwards, Boyle and Wallace, Bibb being absent, Judge Boyle, in delivering the opinion of the court, makes this remark, viz.

"To determine the question of jurisdiction, it is necessary to advert to the acts of the Legislature, from which the courts of this country derive their existence, and their powers."

In the case of *Moore vs. Gorin*, 2d Littell 137—Judges Boyle, Owsley and Mills, say,

"The act establishing the Court of Appeals, provides that the person appealing, shall by himself, or a responsible person on

"his behalf;" &c. Again, page 188—"The practice from the first passage of the act, establishing the Court of Appeals, has been to take appeal bonds to secure the appellee," &c. Again, page 189—"All these acts having been made in *pari materia*, must be taken together and construed in connection with the original act, establishing the Court of Appeals," &c. Thus have the judges of the Court of Appeals themselves declared, that the courts of the country, derive "*their existence and their powers*," from acts of the Legislature, and repeatedly recognized the establishment of their court by law.

Indeed, no longer ago than November 1825, did Messrs. *Boyle, Owsley and Mills* acknowledge their appointment to have been made in *pursuance of laws*, and not in obedience to the constitution. See Senate Journal 1825, page 196. These are their words:

"We were placed in the offices which we hold, by the voice of the people, spoken through their regularly constituted organs, in *pursuance of laws*, the constitutionality of which was, for thirty years, disputed by none," &c.

By their own admission therefore, their offices were established by law; for had they been established by the constitution, their appointments would have been in *pursuance of the constitution*.

Decisive confirmation of my opinion may be derived from the constitution of the United States, the judicial act of Congress and the opinions of the Supreme Court. The constitution of the United States declares that—"The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as Congress may, from time to time, ordain and establish."

The first Congress which met under the constitution, passed an act entitled "an act to establish the judicial courts of the United States." One of the judicial courts established by this act, is the Supreme Court, and the language used to give it existence is like that which is used in our act of 1792 establishing the court of Appeals. It says—

"The Supreme Court shall consist of a chief justice and five associate justices, any four of whom shall be a quorum."

That court has also undergone several mutations, and in the judiciary debates in congress in 1801, on the bill to repeal the judicial system adopted near the close of the preceding administration, it was admitted by most of the debaters of both parties, that the supreme court, as well as every other court of the U. States, was established by act of congress. But to establish this fact, we are not left to the hasty expressions of members of congress uttered in the heat of debate. In addition to the title and language of the judiciary act, and declarations of the ablest men in

congress, we have the repeatedly expressed opinion of the supreme court itself, that, as well that tribunal as every other court of the United States, was established or created by act of Congress. In the case of *Durasseau vs. the United States*, 6th Cranch 313, Chief Justice Marshall says—

“It is contended, that the words of the constitution vest an appellate jurisdiction in this court, which extends to every case not excepted by Congress; and that if the court *had been created* without any express definition or limitation of its powers, a full and complete appellate jurisdiction would have vested in it, which must have been exercised in all cases whatever.”

“The force of this argument is perceived and admitted. Had the *judicial act created the supreme court* without defining or limiting its jurisdiction, it must have been considered as possessing all the jurisdiction which the constitution assigns to it. The Legislature would have exercised the power it possessed of creating a supreme court as ordained by the constitution, and in omitting to exercise the right of excepting from the constitutional powers, would have necessarily left those powers undiminished.”

It could not be expressed in plainer language, that Congress had the power and did CREATE the Supreme Court.

In the case of *Martin vs Hunter's lessee*, 1st Wheaton, 320, &c. Judge Story, in delivering the opinion of the court, is no less explicit. He says—

“The language of the article throughout is manifestly designed to be mandatory upon the Legislature. Its obligatory force is so imperative, that Congress could not, without a violation of duty, have refused to carry it into operation. The judicial power of the United States *shall be vested* (not may be vested,) in one supreme court, and in such inferior courts as Congress may, from time to time, ordain and establish. Could Congress have lawfully refused to *create a supreme court*; or to vest in it the constitutional jurisdiction?”

Again, page 330. “The next consideration is, as to the courts in which the judicial power shall be vested. It is manifest, that a supreme court MUST BE ESTABLISHED, but whether it be equally obligatory to establish inferior courts, is a question of some difficulty. If Congress may lawfully omit to establish inferior courts, it might follow, that in some of the enumerated cases, the judicial power could nowhere exist. The supreme court can have original jurisdiction in two classes of cases only, viz: in cases affecting ambassadors, other public ministers and consuls, and in cases in which a state is a party. Congress cannot vest any portion of the judicial power of the United States, except in courts ordained and established by itself; and if in any of the cases enumerated in the constitution, the state courts did not then possess jurisdiction, the appellate

"jurisdiction of the supreme court (admitting that it could act on state courts,) could not reach those cases, and consequently the injunction of the constitution, that the judicial power *shall be vested*, would be disobeyed. It would seem, therefore, to follow, that Congress are bound to create some inferior courts, in which to vest all the jurisdiction which, under the constitution, is exclusively vested in the United States, and of which the supreme court cannot take judicial cognizance. They might establish one or more inferior courts; they might parcel out the jurisdiction among such courts, from time to time, at their own pleasure. But the whole judicial power of the United States should be at all times *vested* either in an original or appellate form, in *some court created under its authority*."

Here is a lucid explanation of the duties which devolved on Congress and our General Assembly, in consequence of the injunctions of their respective constitutions. Both were commanded to vest judicial power in a *supreme* and *inferior courts*. Our legislature did it by the acts establishing a Court of Appeals and inferior courts; Congress did it by their act to establish the judicial courts of the United States. Both created the courts and vested the judicial power.

Never, until the year 1824, had it been discovered that the title of the act of 1792 had been improperly given, and did not express the true intent, effect and meaning of that act. It had been many times alluded to under that title, by the Legislature and the Court of Appeals itself, and never had it been thought necessary to avoid the repetition of its name, lest orthodox politicians should seem to sanction a heresy in government. But the illumination of modern times has enabled a new race of statesmen to discover, that our fathers in the first legislature of Kentucky, as well as the first Congress of the United States, knew not the principles of the respective constitutions which many of them had just aided in forming, nor the effects of their own legislative acts; that our own Court of Appeals, and even the Supreme Court of the United States, long remained in the same profound darkness; and that notwithstanding all this authority to the contrary, the constitutions of Kentucky and the United States created Supreme Courts merely by announcing their names! It is one among the wonders of this age of improvement and discovery, that those who formed the two constitutions could not perceive the Supreme Courts they had created, so dim was their mental vision, or so feeble the light reflected from these constitutional emanations, while political philosophers at the distance of near forty years, behold it through their reasoning telescopes, as distinctly as spots in the sun, or mountains in the moon.

But not having been illuminated with that modern political science which can prove that things which *were not, actually were*

—contrary to the united testimony of all cotemporary lawgivers and judges, contrary to the declarations of the very men who are now proved to *have done* what *they* affirmed they *did not*, contrary to the understanding and practice of a whole generation, I cannot yet believe that our Court of Appeals was created by the constitution, or approve and sign such a declaration.

I have said, I do not believe that the re-organizing act and the consequent salary act, are wholly unconstitutional, or that the people have so decided.

Already have I shewn by the most conclusive facts and authorities, that the Court of Appeals was originally established by act of assembly. It has been conceded by all parties during this controversy, that in this respect at least, the legislature can undo whatever it has done. Therefore, the legislature might constitutionally abolish the office of chief justice and second and third judges, as in 1813 they did that of fourth judge; and consequently the court itself, by repealing the acts which gave it existence.

Nor is the tenure by which judges hold their offices any bar to this repeal. They hold their offices "*during good behavior and the continuance of their respective courts.*" Who can discontinue their courts but the legislature? How, when their courts are discontinued or abolished, can they be said to hold their offices? The discontinuance of a court as much removes a judge, as impeachment or address for misdemeanor. Already have we seen, that the Court of Appeals was created by acts of assembly, and may be discontinued or abolished by a repeal of those acts. By such discontinuance, therefore, the judges are out of office, according to the express words of the constitution.

All judges in this Commonwealth hold their offices by the same tenure, viz. "*during good behavior and the continuance of their respective courts;*" removable while their courts continue, only "*by impeachment or address.*" What has become of the judges of the Quarter Session Courts, of the Courts of Oyer and Terminer, of the District Courts, or the associate justices of our present Circuit Courts? Have they been removed by impeachment or address? Or have they not, except the last, lost their offices by the discontinuance of their courts? In the case of the assistant justices of the Circuit Courts, they lost their offices by a simple act abolishing of those offices, even while their courts continued. They were not suffered to hold either "*during good behavior;*" or "*the continuance of their respective courts;*" but were all hurled down by a simple majority of the legislature, into the ranks of private citizens, without compunction or ceremony.—What makes an office or a judge more tangible or more sacred in the Court of Appeals, than in the Circuit Courts? By the act of 1813, we see that an office in the former may be abolished when empty, and by the abolition of the office of assistant judges,

we see that offices may be abolished in the latter when *filled*. If an office in the Circuit Court may be abolished when filled, why not an office in the Court of Appeals? There is not a shadow of difference between the two. The act which removed the assistant judges was, therefore, unconstitutional, or it is constitutional to remove the judges of the Court of Appeals, one by one, by repealing their offices. But whatever doubt there may be of the power of the Legislature to remove a judge, by abolishing his office without discontinuing his court, there is none in my mind, that any or all the judges of this Commonwealth may be removed from office by the repeal of those acts which gave existence to their courts, and thus discontinuing them. This mode of removing judges is as expressly recognized in the constitution, as impeachment or address; and has been much more frequently practised without detriment to the republic. The tenure of judicial offices is, therefore, no bar to the removal of judges by the discontinuance of their courts.

Nor is the expression in the constitution, that the judicial power shall be vested in *one* supreme court which shall be styled the Court of Appeals, &c. any bar to a succession of courts, or the abolition of one supreme court and the establishment of another. The limitation of legislative power on this subject, is only that they shall maintain but one supreme court at the same time; or, in other words, that the judicial power shall not be distributed to two or more supreme courts. That there is no absurdity in a succession of supreme courts, is proved by analogy with other parts of the constitution. It is declared, that the legislative power shall be vested in one General Assembly, yet there is a new General Assembly every year. So the executive power is vested in one Chief Magistrate, who shall be styled the Governor, yet one Chief Magistrate succeeds another every four years, and each is styled the Governor. The legislative power has been vested in many General Assemblies, and the executive power in many Governors, since the adoption of the constitution; and yet there has been no time in which the legislative power was vested in more than one General Assembly, or the executive power in more than one Governor. The only difference in this respect between these two departments and the Court of Appeals is, that the constitution fixes the periods at which one General Assembly or Governor shall succeed another; but leaves the periods at which one Court of Appeals shall succeed another wholly in the discretion of the legislature. But so long as the judicial power is vested in a first, second or third Court of Appeals, it is *vested in one supreme court*, and not a letter of the constitution is violated. The legislature might, therefore, declare in so many words, that the existing Court of Appeals shall be abolished, and another created in its stead, taking the judicial power from the former

and vesting it in the latter, without violating the constitution, or in any one jot or tittle, deranging the system of government which its provisions prescribe.

The reorganizing act does not pretend to abolish any thing which the constitution had created. Its first section, which is the only part in it tending to abolish previous systems, reads as follows, viz:

"Be it enacted, &c. That the act entitled 'an act establishing the Court of Appeals' approved June 28th, 1792; also, another act entitled 'an act establishing the Court of Appeals,' approved December 19th, 1796, and every act or part of any act or acts, for amending said two acts, or either of them, or for regulating the Court of Appeals, or concerning the Court of Appeals, or for giving or allowing any salary, or compensation to the chief justice of Kentucky, or any judge or justice of the Court of Appeals, or for increasing any salary or compensation to the chief justice or any judge or justice of the Court of Appeals, shall be, and the same is hereby repealed."

This left the Court of Appeals in the precise situation in which the first legislature found it. It pretended not to repeal any part of the constitution or alter any provision it contains relative to the Court of Appeals. It simply undid all that previous legislatures had done relative to that court. To ascertain what was the condition of the Court of Appeals on the passage of this section, we have only to consider what was its condition before the passage of the act of June 28th, 1792. It was a *name* and nothing else. It had neither parts, power nor habitation. All but its name was given by acts of Assembly, and all but its name was taken away by the repeal of those acts. The *name* which existed before the creation of the thing that was to bear it, remained to designate its successor, as the names of men pass from generation to generation, when their original possessors are forgotten and lost in the obscurity of long past ages.

If the legislature of 1824 were mistaken in supposing they abolished the Court of Appeals, by repealing all the acts which had relation to it, they only committed the same mistake as the legislature of 1792, in giving title to their act. They only committed the same error as the first Congress of the United States, the same as the Supreme Court, and the same as our Court of Appeals. Their error, therefore, if any they committed, was surely excusable, and there is little pretence for alledging that they intended to violate the constitution. If their act did not abolish the Court of Appeals, it at least repealed all the laws which the legislature had passed relative to that tribunal and took away whatever they had conferred upon it.

A portion of the acts repealed in the first section of the reorganizing act, was revived in subsequent sections; but another

portion was not. With whatever plausibility it may be contended that the repeal and the revival of the same provisions in the same act, is virtually no repeal, there is not a shadow of pretence for the position, that such portions of the former acts as were not revived, were not repealed, in *effect* as well as in *word*. That those parts of former laws were repealed, and that the reorganizing act is constitutional, so far as it changes pre-existing regulations relative to proceedings in the Court of Appeals, has been generally admitted by all men of all descriptions and all parties. The ground generally assumed by the enemies of the act, has been, that it was unconstitutional only so far as it purported to abolish one Court of Appeals and establish another.

But I am not left to assertion or speculation to establish this point. The reiterated declarations of those opposed to the act and the old judges themselves, existing in numerous public documents, exhibit their opinions on this point, in a manner the most satisfactory and conclusive.

In the Senate journal 1825, page 196, may be found the following declaration of Messrs. Boyle, Owsley and Mills relative to that act, viz:

"That act, so far as it had the object in view to abolish this court and establish another, was, in our opinion unconstitutional and void."

In their judicial proceedings ever since the passage of that act, as I am informed, they have uniformly recognized the validity of some of its provisions, and made them the rule of their proceedings. For instance: The law repealed by that act provided, that in dismissing delay cases, the court should give ten per cent. damages; but the reorganizing act provided that in such cases they should only give at the rate of ten or six per cent. per annum, in their discretion. In the following cases they have allowed damages only at the rate of ten per cent per annum, in obedience to the reorganizing act, viz:

At the Spring Term, 1826, in the cases of Basye's administrators vs. Smiley; Mason vs. Tipton; Moseley and al. vs. Bank of Kentucky; Gilbreath vs. Hawes; Black vs. Morris; and at the Fall Term 1826, in the cases of Gregory vs. Bronscambe; Alexander vs. Eastham; Perren vs. Foreman; Soper vs. Carr; Perry vs. Higgins; Hatchman and Rutherford vs. Irevin and al. Waters and al. vs. Murphy; Boone vs. Dykes; Alexander and Boyce vs. Bryans ex'rs; Jameson and Wilson vs. Hoffman; Warren and wife vs. Henry; Foster vs. Fletcher, and in the case of Beaty vs. Cernelison they allowed but six per cent.

It cannot be doubted, therefore, that the old judges have always considered a portion of the reorganizing act constitutional.

On this point the acts and declarations of their friends in the legislature, are no less conclusive. On the second day of the

session last year, the House of Representatives adopted the following resolution, viz:

Resolved, That so much of the Governor's message as relates to the judiciary, be referred to the committee on courts of justice, with permission to report by bill or otherwise. And for the better enabling said committee to discharge their duty so far as relates to the Court of Appeals, *Resolved further*, That it is the deliberate and solemn opinion of this house, and of a large majority of the good people of this Commonwealth, herein represented, that the act entitled, 'an act to repeal the laws organizing the Court of Appeals and to reorganize a Court of Appeals,' is unconstitutional and void, so far as it purports to repeal or abolish the Court of Appeals and erect and establish another court in its stead; and that the Court of Appeals so attempted to be repealed and abolished, having been created by the constitution, is (the act notwithstanding) the supreme court of this state; and the judges thereof having neither resigned nor been removed from office by either of the modes recognized in the constitution, are still in office, and should be so considered and respected by all the functionaries of the government."

Here the unconstitutionality of the act is expressly confined to so much thereof, as "*purports to abolish one Court of Appeals and erect and establish another in its stead.*" In favor of this proposition, there stand recorded SIXTY names.

In the same journal, page 167, will be found a preamble, offered by Mr. McConnell, which begins thus:

"The act of Assembly, approved December 24th, 1824, purporting to abolish the Court of Appeals and to create another, was at the time of its passage, believed by a respectable minority in the Senate and House of Representatives, to be in direct violation of the great fundamental law of the land, so far as it attempted to destroy one court and create another."

Near sixty names are also recorded in favor of this proposition. In the same journal, pages 174 to 179, may be found another preamble and resolutions reported by Mr. Underwood, from the committee for courts of justice, from which the following is an extract, viz.

"Your committee will not enter into an argument, at this time, to prove the unconstitutionality of the act of last session, so far as it purports to repeal the constitutional court, and to erect and establish another court in its room and stead." &c. The issue was fairly made up before the people, at the last election. The subject in all its bearings was fully discussed and considered by them; and they, the ultimate arbiters of all constitutional questions, involving the separate and independent existence of one of the departments of government, by which right and justice are dispensed to the people, have decided the question satisfactorily,

"to your committee and to this house. Their decision is, that
"the reorganizing act, *to the extent aforesaid*, is unconstitutional
"and void, and no tribunal except that of the people, has cogni-
"zance of the controversy."

The 3d resolution appended to this preamble, reads as follows:

"Resolved, That a majority of the good people of this Com-
"monwealth have decided, that *so far as said act was intended*
"to have the effect of abolishing the then existing Court of Appeals,
"the same is unconstitutional and void."

Fifty-nine names stand recorded in favor of this resolution, *af-
firming the extent of the people's decision.*

At the same session, the following bill passed through the house
of representatives, viz.

"Be it enacted, &c. That the act entitled 'an act to repeal the
"law organizing the Court of Appeals, and to reorganize a Court
"of Appeals,' approved December 24th, 1824; and also, an act
"entitled 'an act to regulate the salaries of the judges of the
"Court of Appeals and for other purposes,' approved, January
"6th, 1825, shall be and the same are hereby repealed: *Provid-*
"*ed*, that the 32d section of said act of 24th December, 1824, is
"to be taken and considered as remaining in full force and un-
"repealed by any thing in this act contained."

"Sec. 2d. *Be it further enacted*, That the salaries of the judges
"of the Court of Appeals, shall hereafter be twelve hundred
"dollars each, to be paid quarter annually."

Here, the 32d section of the reorganizing act is admitted to
be constitutional by its reservation. In favor of this bill, I find
the following names recorded, being the same men who adopted
all the foregoing declarations: viz.

"Mr. Speaker, [Robertson] Messrs. J. Allen, Breckenridge,
"Blackburn, Breck, Bainbridge, Brown, Bruce, Bruton, Cowan,
"Cox, Crittenden, Cunningham, Davis, Duke, Dunlap, Dyer,
"Evans, Farmer, Ford, Gaines, Gibson, Gordon, Green, Grundy,
"Hansford, Hanson, Hardin, Harvey, Hutchinson, James, Logan,
"Marshall, Mayes, McConnell, Morris, New, Owings, Owsley,
"Reed, Skiles, Slaughter, Sterrit, Street, Richard Taylor, Ro-
"bert Taylor, Z. Taylor, Timberlake, Thomasson, True, Tur-
"ner, Underwood, Waddell, Walker, Wilson, A. White, Wood-
"son and Yantis."

In the Senate the following gentlemen were in favor of the same
proposition, viz.

"Messrs. C. Allan, Beaty, Crutcher, Davidson, Faulkner, Gar-
"rard, Given, Hickman, Howard, Lockett, Muldrow, Pope, Ste-
"phens, J. Ward, White, M. H. Wickliffe and R. Wickliffe."

These are respectable names: Among them may be found a
mass of intelligence and legal acquirements, which must have
great weight with the present General Assembly. They have
declared under the most solemn sanctions, that only a part of the

reorganizing act is void, and have specified the 32d section as constitutional. By expressly reserving it from repeal, they must be understood as declaring that the office of Sergeant would have been abolished by its repeal, and the present incumbent, deprived of his place. When it is remembered, that all the rest of that General Assembly believed the whole reorganizing act constitutional, we shall arrive at the certain conclusion, that there was not *one man*, either in the Senate or House of Representatives, last year, who thought, or at least pronounced, the whole reorganizing act unconstitutional.

But we have still later authority. Early in your present session, a bill was introduced into the House of Representatives, a part of which reads as follows, viz.

"And whereas some of the provisions of the said reorganizing act are deemed constitutional, but inexpedient and impolitic," Therefore,

"*Be it enacted, &c.* That the same act, entitled 'an act to repeal the law organizing the Court of Appeals and to reorganize a Court of Appeals, approved December 24th, 1824, except the 32d section thereof, &c. shall be, and the same is hereby repealed."

Here we have an express declaration, that a part of the reorganizing act is constitutional, and the 32d section is expressly reserved from repeal, to save the office of Sergeant, or rather the present incumbent.

Thus, in addition to my own convictions, I have the declarations and acts of the old judges, the whole General Assembly of 1825, and the explicit admission of at least a part of the friends of the old judges in the present House of Representatives, all concurring to prove, that part of the reorganizing act is constitutional, and that the people have decided only so much of it to be otherwise as purports to abolish one Court of Appeals and establish another. What new lights have been shed upon the subject within two short weeks, or how that has become wholly unconstitutional which was deemed by all the world to be partly constitutional, until the present session of the General Assembly, I am totally at a loss to conceive. Sure it is, that those lights have not fallen upon my mind. I cannot believe, that the whole reorganizing act is unconstitutional, contrary to the declarations and decisions of the old judges themselves, contrary to numerous resolutions and one solemn act of their friends in the House of Representatives, in 1825, contrary to the opinion of at least a part of their friends in the present house, when they were fresh from the people, and contrary to the best settled principles of representative government. Nor do I believe, that the people have decided this act wholly unconstitutional 'at two successive elections;' because those who have come to the capitol, charged

to pronounce the decision of the people, unanimously last year, and partially this year, have declared that a part of that act is constitutional, and more than once have solemnly voted, that the people had pronounced it void only so far as it purported to abolish one Court of Appeals and establish another. I cannot, therefore, approve and sign a declaration, that the whole of that act is unconstitutional, or that the people have so decided.

Nor ought it to be considered surprising, that these circumstances make it somewhat difficult for the Executive to ascertain what the real decision of the people is. Last year their organs in the House of Representatives, and a part of the Senate proclaimed, that they had decided the re-organizing act unconstitutional *only in part*, and this assertion is confirmed by a portion of their organs this year. Yet, in contradiction of this, your preamble now tells me that the people have decided this act, and the salary act also, wholly unconstitutional, "at two successive elections." Did not their representatives understand their decision last year? Did a portion of them still understand their decision this year? Or have the people spoke, and for the first time made their decision known, since the meeting of the present General Assembly? Is it within a few days only, that their servants have heard their final mandate? Have the old judges, all their friends and all the world, been in doubt and darkness as to the extent of the constitutionality of this act, until the present Legislature were suddenly illuminated in the truth, as by a light from heaven!

Your act, if I rightly understand it, assumes to exercise a power, which, were not the attempt in part at least, nugatory, would be indeed sublime. Not content with controlling the present and the future, it grasps at the moments which are fled, and endeavors to regulate events which time, with his pen of brass, has already inscribed upon his everlasting tablet. It revives acts which were repealed two years ago, and declares they shall have the same effect, from the date of the repeal, as if the repealing act had never passed!

There is but one Being in the universe, to whom the past, the present, and the future, is one eternal *Now*; to whose omniscient mind all ages and all events are forever present: who controls all by an immutable and irrevocable law. But never before have I remarked an attempt in mortal man, to summon before him years that are past, and declare that the events of their history shall be as if they were not. This is the first time, I have seen an effort to regulate the past actions of men by acts of legislation,—speak out of existence recorded events, and prescribe to the people the law which shall control them in years that are gone forever.

Nor is this effort so ludicrous as it might seem, or so harmless

in relation to the rights and interests of the people. In its legal effects, it blots out of existence all the acts of the new judges, and also all the acts of the old judges, so far as they have obeyed the provisions of the reorganizing act, and opens the sluices of litigation afresh. Scarcely a suit has been dismissed or decided in either tribunal, which will not be covered with doubt; and may be made the subject of new quarrels and law suits. It will increase perplexities and anxieties, open a new vista of hope to unsuccessful litigants, produce unnecessary confusion and alarm, and benefit only the profession of law, at the expense of the people.

But this is not the only point in which this new principle of legislative omnipotence, is fatal to the interests and safety of the people. The reorganizing act repealed all laws giving salary or compensation to the judges of the Court of Appeals; and to this day, the acts so repealed have not been revived. No man can deny, that the salaries were given wholly by acts of the legislature; and by the generally received principle, that the legislature can repeal all its own acts, the power of that body to reduce or take away those salaries, has scarcely been contested. The old judges themselves have affirmed the power of the legislature to repeal their own acts in the broadest terms, and also admitted that their act of 1824, did take away their salaries. In the case of *Ely vs. Thompson*, 3d Marshall, page 73, Judges *Boyle*, *Owsley* and *Mills*, in an opinion delivered by Judge *Mills*, make the following declaration, viz:

"It was competent for the Legislature in the same act, to repeal any former one within its purview, *although every provision of the repealing act was unconstitutional.*"

According to this principle, so broadly affirmed, it was competent for the legislature, in the reorganizing act, to repeal any former act, giving salaries to the judges, although every other provision of the reorganizing act was unconstitutional. The legislature did repeal the act giving them salaries; and they have admitted, that by such repeal, their salaries were taken away.—They never have applied to the auditor for them, although, without doubt, he would have been very ready to pay them, had they been able to shew that there was any law in existence, authoring their payment. On the contrary, they say in a letter which may be found in the Senate journal of last year, page 197—"Had the times been most peaceful and orderly, the offices would have had no charms for us. We had served in them long enough to be fully gratified with the honor they conferred, and to know that the labors were arduous, and the duties responsible; while the salary, though originally sufficient, had become, by the depreciation of the currency, scarcely adequate to a comfortable support of ourselves and families. But by the act of last session, *even this compensation was taken from us, and we foresaw, by*

"carrying on our duties at our own charge, the small estates we possess might be consumed, and leave us with little at the approach of age."

The thought seems not to have entered into their minds, that by the existing laws, they were entitled to any salary whatever. In this opinion they were supported by their friends in the last legislature. *Mr. Crittenden*, from the committee for courts of justice in the House of Representatives, made a report in which is the following declaration—See journal, page 418.

"An overwhelming majority in the General Assembly, co-operating with the Governor, and assuming to act in the abused name of the people, had declared that they were no longer judges, and *had taken from them all the salary that had by law been annexed to their offices.*"

The report containing this declaration, was voted for by all the friends of the old judges. In the act passed by them at the same session, so far from considering the acts giving the old judges a salary of \$1500, as still in force, or by a simple revival made operative from December 24th, 1824, they provided to fix their salaries prospectively at \$1200 each.

From the facts, that the legislature of 1824 did repeal all acts giving salaries to the old judges and did not revive them in the same or any subsequent act; that the old judges never applied for their salaries, but on the contrary declared they were taken away by the reorganizing act; that their friends in the legislature of 1825 did not recognize or provide for their back salaries, but on the contrary also declared that they were taken away: the conclusion irresistably follows, that since the 24th day of December 1824, there has been no law in existence giving them any salary whatever.

But what does your act in its omnipotence? It revives the act, giving them a salary of \$1500 each, and makes the revival take effect from the 24th day of December 1824. It is not to no purpose, in this instance, that you summon before you, years that are gone, and attempt to regulate events that are past. You entitle these men to draw from the public Treasury for back salaries, near NINE THOUSAND DOLLARS.

In the name of the people, I protest against this portion of your act, both on account of its effects and its principles. I do not believe, that the people have ever expected, intended or decided, that one dollar of their money should be paid to these men as salary, since the 24th day of December 1824; or that the repeal of the acts giving them salaries was unconstitutional. I do not believe they wish to see their money thus appropriated, while, in addition to the pressure of the times, they have before them the almost certain prospect of an increase of taxes, for the support of government. I cannot believe they ever have sanctioned

or ever will sanction the principle, that one legislature, under any pretence whatever, can revive salary acts repealed years back, to take effect from the time of the repeal, and thus lavish the public money on friends, partizans or patriots. If this legislature has the right to pay the old judges back salaries for two years under pretence that the act giving them salaries was not constitutionally repealed, they may, under the same pretence, revive any other repealed salary act upon the statute book.—Quarter session judges, district judges, the associate justices of the circuit courts, may all march before them in fearful array and demand their salaries, or compensation, from the date of the passage of the act taking them away, up to this hour. The principle which now sweeps from the people's Treasury *nine thousand dollars* may soon be made to sweep away *hundreds of thousands*. The people have no safety for their money or their rights, if this principle be tolerated. In vain may they instruct their representatives this year to reduce or take away the salaries of useles or unfaithful public officers. A subsequent legislature, under some pretence, may declare the repealing act invalid and direct the back salaries to be paid up, even at the distance of half a century.

Equally extraordinary and objectionable is that portion of your act which relates to the Sergeant of the Court of Appeals.—That office, I presume it will not be denied, was established by act of Assembly. The third section of an act, approved Feb. 11th, 1809, reads as follows, viz:

"The office of Sergeant of the Court of Appeals shall be and the same is hereby established, to which office some fit person shall be appointed and commissioned as the constitution directs, to hold his office during good behaviour."

This provision and all others relative to the Sergeant of the court, were repealed, and a portion of them re-enacted by the 32d section of the reorganizing act. On all hands it was admitted, that the office of Sergeant of the Court of Appeals was abolished by that act, whatever might be thought to be its effect upon the offices of the judges; for there was not the shadow of ground for pretending that it derived its existence from any higher authority than the act of Assembly. With the repeal of that act the Sergeant lost his office. But the office was re-established in the same act and under the same name, and the former incumbent was appointed to fill it. That the entire repeal of the reorganizing act would again have destroyed that office and thus removed its incumbent, the House of Representatives were so well convinced last year, that in the act they passed, they expressly reserved from repeal the 32d section of that act. The same precaution was used in the bill introduced into the House of Representatives at the present session. Thus, we have the

assent of the friends of the old judges to the truth of the proposition, that the existence of the Sergeant's office depends on a legislative act with the repeal of which it must perish.

What is the effect of your act? It repeals the 32d section, revives and re-enacts all the laws relative to the Sergeant of the Court of Appeals which existed before the passage of the reorganizing act, and declares that they "shall have in all respects, the same effect and operation as if the said recited acts had not passed." It abolishes the office of Sergeant as it existed under the reorganizing act and re-establishes it as it previously existed. This, it is fully competent for the Legislature to do, so far as their act is prospective. It is at any time in their power to abolish any office they have created, and then to re-establish it in the same or a subsequent act. But your act does more. After having abolished the office of Sergeant as it existed, under the 32d section of the reorganizing act, and thus *removing the officer*, it proceeds to re-establish the office as it existed under former laws, and then to *fill it by an act of legislation!* Your proviso "*that nothing herein contained shall be so construed as to vacate the office of Sergeant of the Court of Appeals,*" is an attempt to assume the powers of the Governor and Senate, and make an appointment by law. You destroy the office, and then provide that it shall not be vacated. You re-create the office and then attempt, by your proviso, to transfer into it the incumbent of the office you have destroyed. It is my duty, as well as yours, to guard the constitution from violation, and in the name of the people, I protest against this attempt of the Legislature to take into their hands the appointing power, and thus shoot wildly into the sphere of the executive department. You might as well have directly enacted, that Col. Richard Taylor shall be Sergeant of the Court of Appeals during good behavior. In effect and object, such a provision would have been precisely tantamount to your present act. That officer has been all along entitled to compensation for his services as Sergeant of the new court, and your act entitles him to compensation for serving the old. It assumes as a fact, that his office has never been abolished; contrary to the admitted principle, that office created by law *may* be destroyed, and their incumbents removed by a repeal of the law, contrary to the understanding of all parties, as evinced by their declarations and acts, in the Legislature of 1825, and contrary to the admission of a portion of the present House of Representatives friendly to the old judges. But the Sergeant too must have *his* retrospective compensation, and may even draw from the Treasury, if it be not already done, an allowance for attending both courts. Thus will a considerable sum be added to the *nine thousand dollars* to which your act entitles the old judges.

If I understand your preamble and act, it attempts to blot out

the Judicial and Legislative events of the last two years, make things that have been, as if they were not, put a Sergeant of the court in office during good behavior, legislate hundreds of dollars into his pocket, and thousands into those of the judges, under the pretence, that every provision of the reorganizing act, the repealing clauses and all, were rendered wholly unconstitutional and void, by the *motive* of the legislature in passing it. In this you assume another attribute of omnipotence. Who but that Being who knows our inmost thoughts, can plunge into the breasts of man, and wring from their hearts, the motives of their conduct? Is this the attribute of finite man? Does it come within *his* province to pronounce upon the motives of his fellow man, and judge of their acts; not according to their form or effects, but according to the integrity of heart, by which they were actuated? I had thought, that the only mode by which the constitutionality or unconstitutionality of every act of Assembly could be tested, was, by a comparison of the act, with the constitution itself, and not with the motives of those who passed it. I had thought it possible for the Legislature to violate the constitution, without intending it; and that were they ever to become sufficiently corrupt to intend it, yet the act, passed with such intentions, might be still constitutional. But if we are to throw aside a comparison between the provisions of the act and the constitution, as the only mode of ascertaining its constitutionality; where is the exercise of this power to end? The Legislature of 1826, sit in judgment upon the acts of the Legislature of 1824, and pronounce their every provision void, not because they really are repugnant to any provision of the constitution, but because they were passed with a bad motive. They repealed all laws giving salaries to the old judges, which they were fully competent to do, according to the provisions of the constitution; yet this repeal, according to your doctrine, was unconstitutional in them, because it was made with a bad motive. They abolished the office of Sergeant to the Court of Appeals; which, also, they could constitutionally do; yet, this was, also, unconstitutional in them, because it was done with a bad motive. Who shall prevent the Legislature of 1827, from sitting in judgment, in like manner, upon the Legislature of 1826? What shall prevent them from declaring, that your act, giving back salaries to the old judges, is unconstitutional, because, in their omniscience and omnipotence, they may assume to determine, that you passed it with a bad motive? There will, indeed, be this difference between you and them: It is easy for you to pay the old judges nine thousand dollars, for back salaries, in the pretence that the Legislature of 1824, were actuated by bad motives in taking them away; but it will not be so easy for the Legislature of 1827 to replace the people's money in the Treasury, upon the same allegation in re-

lation to your act. Where shall this thing stop? Not an act on your statute book is exempt from being declared void by legislative authority on the pretence, that those who passed it, were actuated by bad motives. Each Legislature may judge as to the integrity of its predecessor, subject also, to have its own acts judged, and swept from existence, and made as if they had never been; because its members were not honest, in their passage. Not the constitution, but the motives of legislators, will be the rule by which their acts may be declared valid, or void; and the confusion which the decisions of judges have introduced into our legal code, will be doubly confounded. Never, in the wildest times of Legislative usurpation, do I believe that any thing so extravagant has been assumed by rump parliaments, or French conventions. Never have they assumed the power to sit in judgment upon the motives of their predecessors, or declare their acts void, for lack of integrity in their passage. Much less have they attempted to sweep, with an omnipotent hand, over time that is passed, and give their acts operation two years before their passage! Such an example was reserved for a Legislature, which pretends to place the stamp of the people's reprobation on Legislative omnipotence, and restore a broken constitution.

But the evils of this principle extend beyond the legislative power. If an act be void in relation to the legislature, on account of the motive with which it was passed, it must be equally void in relation to the judiciary. If a legislature may declare the acts of a former legislature unconstitutional, on account of the motives which dictated them, so may the judges. They too may throw aside the constitution, and test the validity of laws by the motives of law-makers. Every law they may think wrong, may be pronounced unconstitutional, on the ground that it sprung from impure hearts; and thus, in addition to their present claim of power, to declare void legislative acts, for repugnance to the constitution, the field of judicial discretion and caprice will be immeasurably enlarged. We shall see, first, an exertion of legislative omnipotence, over the motives and acts of preceding legislatures; and over that, an all devouring judicial omnipotence; which will not only prostrate the acts, but "search the hearts and try the reins" of those whom the country has honored with its confidence, and clothed with its authority. I beseech you to reconsider this principle, which is the basis of your act, and leave the motives of your predecessors to the great Searcher of hearts. I admonish you, in the language of one of old, who "taught as man never taught," that, ye "judge not, lest ye be judged."

In your preamble you declare, that "*William Owsley and Benjamin Mills are rightful and constitutional judges of the Court of Appeals.*" To this also you ask my approbation and signature.

I know them not as judges of the Court of Appeals or any other court. By repealing the reorganizing act and reviving the former laws, you abolish one court and create another. But the power of nominating judges to fill the new court, is in *me* and not in *you*. Yet instead of leaving to the Governor to nominate, and, by and with the advice and consent of the Senate, appoint, the judges of the Court of Appeals, here come the Senate and House of Representatives *nominating them to the Governor!* It seems to be expected, that the passage of your act and its approval by me, or its passage, my objections notwithstanding, will make *Owsley and Mills* constitutional judges, or at least, in some shape, give them stronger grounds to claim the exercise of judicial power. If this be not the intended effect of this declaration, it is nugatory and idle. I cannot suppose you intended it to be either, and consequently, it is an attempt, to some extent at least, to legislate those men into office. I have yet to learn, that the House of Representatives have any constitutional power to aid in making judges or declaring who are judges. It is the exclusive business of the Governor and Senate to know when vacancies exist and to fill them, without, in the least, consulting the House of Representatives. But in this act, the House of Representatives unite with the Senate in telling the appointing power, you shall consider these two men judges of the Court of Appeals, and shall only appoint a chief justice. Would it not have been more appropriate and constitutional, to have left the Governor and Senate to settle this question between them, and determine from their opinion of your act, whether there has to be appointed one judge or three? I had thought, it was the duty of the House of Representatives to legislate in relation to *principles*, regardless of *men*. When principles have been fixed by the concurrence of the whole legislative power, then it becomes the duty of the Governor and Senate to appoint the *men* who are to carry those principles into practice. But it seems to me, this act carries on its face, complete evidence, that the House of Representatives with the concurrence of the Senate, have abandoned their true province of legislating for *principle* only, to legislate for *men*. In substance, it seems to me very much like the following, viz:

Be it enacted, &c. That *William Owsley* and *Benjamin Mills* are and shall be, Judges of the Court of Appeals, and *Richard Taylor* their Sergeant.

If, as seems to be intended, I am to take these individuals, *Owsley* and *Mills*, as a part of your act, I can no more approve *men* than its *principles*.

I object to them, because they have overturned principles which have been sanctioned and practised upon for centuries, and attempted to deprive this government of powers which in times of calamity, are essential to its existence. They have ve-

ted for replevin laws as legislators, and decided against them as judges.

I object to them, because, when an attempt was made to remove them by address, they declared themselves *irresponsible for error of opinion*; thus assuming the power to fix important principles, in defiance of public opinion and the good of the country.

I object to them, because in numerous instances they have contradicted their own decisions, unsettled the laws of the country, given us chaos for system, substituted opinions for acts of assembly, administered that as law in one case, which they denied to be law in another, and filled the country with alarm and doubt.

I object to them as Judges, because they have been, for years, placed at the head of a party; and consequently entertain feelings of hostility to one portion of the community, and of friendship to another, which are wholly incompatible with the impartial administration of justice.

I might multiply objections, extending as well to acts which preceded, as to others which followed, the passage of the reorganizing act. But I forbear. By a little investigation, it seems to me, you would be convinced that there are good reasons for keeping or putting those men out of office, instead of legislating them in; and that the interest and welfare of the people as peremptorily require that Owsley and Mills should cease to be judges as that the reorganizing act shall be repealed.

I have now enumerated my leading objections both to the *corporeal* and *incorporeal* parts of your bill. I protest against both the *men* and the *principles* which it attempts to fix on the good people of Kentucky. I beseech you to reconsider and adopt another course. The path to peace and quiet, in relation to the constitutional question, is as plain as the sun in the heavens. Repeal the reorganizing and salary acts; but do not force on me and on the country, your declarations, your retrospective provisions, your back salaries, your Judges and your Sergeant, nominated or confirmed by act of assembly. I shall do my duty, and the Senate will do theirs. As to one judge, we shall not disagree; and if we do not agree as to the other two, the country will receive no detriment. All will concur in a quiet submission to the existing state of things; until the people shall think proper to alter it. If they approve of Owsley and Mills, and really consider them as judges, entitled to salaries from the 24th day of December, 1824, then their power will be perpetuated, and they will continue to be judges, without the aid of your preamble. But if they are not satisfied with them, they will take such steps to rid themselves of the incumbrance, as to them may seem constitutional and proper. *The people's will be done.*

I have now done my duty in relation to your act. If, in the hurry in which I have written, any expression has escaped me,

which may seem to be wanting in respect for the legislative authorities of my country, I beg that you will not consider it as any injurious reflection upon yourselves, individually or collectively, but simply as a burst of that zeal in the discharge of my duty, which I am sure is well intended, however illy it may be thought to be directed.

JOSEPH DESHA.

December 27, 1826.

The Senate proceeded to reconsider the said bill.

Mr. Daveiss moved to lay the same on the table and to print one hundred and fifty copies of the Governor's objections for the use of the General Assembly.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daveiss and Martin H. Wickliffe, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Cockerill, Daniel, Daveiss, Dudley, Mayo, O'Bannon, Pope, Selby, Smith, Wood and Yancey—14.

NAYS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, Locker, Lockett, M'Connell, Muldrow, Slaughter, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—20.

Mr. Daveiss then moved to lay the said bill on the table until to-morrow, for the purpose of examining the same.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daveiss and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Cockerill, Daniel, Daveiss, Dudley, Mayo, O'Bannon, Pope, Selby, Wood and Yancey—13.

NAYS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, Locker, Lockett, M'Connell, Muldrow, Slaughter, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—20.

The question was then put on the passage of the said bill, the Governor's objections notwithstanding, and it was decided in the affirmative, a majority of all the members elected to the Senate voting therefor.

The yeas and nays being taken thereon, pursuant to the provisions of the constitution, were as follows, to-wit:

YEAS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Given, Hickman, Locker, Lockett, M'Connell, Muldrow, Pope, Slaughter, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—22.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Cockerill,

Daniel, Daveiss, Dudley, Mayo, O'Bannon, Selby, Smith, Wood and Yancey—13.

Ordered, That Mr. C. Allan carry the said bill, with the Governor's objections, to the House of Representatives, and request their concurrence in the passage thereof.

And then the Senate adjourned.

FRIDAY, DECEMBER 29, 1826.

The Senate assembled.

A message from the Governor by Mr. Loughborough, assistant secretary.

Mr. Speaker—The Governor yesterday approved and signed an enrolled bill which originated in the Senate, entitled "an act for the benefit of the Headright and Tellico settlers, and for other purposes.

And then he withdrew.

Ordered, That Mr. Yancey inform the House of Representatives thereof.

Mr. Yancey from the joint committee of enrollments reported, that the committee had examined enrolled bills of the following titles, to-wit:

An act for the benefit of Martha Bridges.

An act to allow three additional terms to the county courts for Scott and Harrison, and to change the time of holding the Scott circuit and county courts; and,

An act to change the names of Nancy Murphy and others.

And had found the same truly enrolled.

A message was received from the House of Representatives, announcing that their Speaker had signed the said bills, and also a bill entitled, an act to legalize the proceedings of the trustees of the town of Madisonville.

Whereupon the Speaker of the Senate signed the said bills, and they were delivered to the joint committee to be laid before the Governor.

After some time, Mr. Yancey reported that the committee had performed that duty.

Mr. White from the select committee to whom was referred, the nomination of the Governor of officers of the 119th regiment, made the following report, to-wit:

The select committee to whom was referred, the nominations of Stilwell Heady, Caleb C. Reed and George Collins, officers nominated to the 119th, a new regiment, have had the same under consideration, and respectfully submit the following report, to-wit:

Your committee believe those gentlemen in nomination, are well qualified to discharge the duties of the offices to which they

aspire. Yet it is equally true that they have been promoted over officers equally honorable and meritorious with themselves. It appears that Col. Heady once acted as a Captain in the 35th regiment; that some three or four years ago he resigned his command and did not muster afterwards, until he got the command of the 119th regiment; Captain Reed seems to have been promoted over Captain M'Cullam an older officer; Captain Collins seems to have been entitled to the Majors command by seniority. It further appears to your committee, from documents herewith filed, that a large majority of the officers of said regiment agreed to go into an election for field officers, the result of which election was in favor of the above named gentlemen. It further appears, that at the time of said election, Captain James L. Nelson was not in the state, and of course had no part in the matter, and therefore objects to the proceedings inasmuch as he is placed 3d Captain in the regiment, when agreeably to the regular routine in office, he would and ought to stand first, Therefore,

Resolved, That said nominations ought to be rejected.

Mr. Crutcher moved to amend the said resolution by making it read as follows, to-wit:

Resolved, That the Senate advise and consent to the said appointment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Crutcher and M'Connell, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Cockerill, Crutcher, Cunningham, Daveiss, Dudley, Green, Given, Hickman, Locker, Muldrow, O'Bannon, Pope, Selby, Slaughter, Smith, Stephens, Ward, M. H. Wickliffe, R. Wickliffe, Woods, Wood and Yancey—25.

NAYS—Messrs. Beaty, Daniel, Faulkner, Gibson, Garrard, Lockett, Mayo, M'Connell and White—9.

The said resolution was then concurred in.

Ordered, That Mr. M. H. Wickliffe inform the Governor thereof.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. Crutcher—1. A bill to alter the time of the annual meeting of the General Assembly.

By Mr. Cockerill—2. A bill concerning the Allen Seminary.

And by Mr. Selby—3. A bill to establish an Academy in Russell county.

Which bills were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the second bill having been dispensed with.

Ordered, That the said bill be engrossed and read a third time on to-morrow.

Messages were received from the House of Representatives, announcing the passage of bills, by that body, of the following titles, to-wit:

An act for the benefit of the devisees of Hugh Emison dec'd.

An act for the benefit of William Caldwell, late sheriff of Bullitt county, and the sheriff of Washington county; and

An act to render certain offices incompatible.

A bill from the House of Representatives entitled, "an act authorizing the trustees of the Washington Academy to sell their lands, was taken up and recommitted to a select committee of Messrs. Crutcher, Pope, Garrard and Slaughter.

A bill to repeal an act entitled, "an act to alter the mode of taking in lists of taxable property, approved December 19th, 1825, was read the second time and committed to a select committee of Messrs. Stephens, Crutcher, Green, Beaty and Dudley.

Mr. Daveiss from the select committee to whom was referred, a bill for the benefit of the clerk of the Lawrence circuit court, reported the same with an amendment.

Which was twice read and disagreed to.

The said bill was amended and ordered to be engrossed and read a third time on to-morrow.

A message in writing was received from the Governor by Mr. Loughborough, assistant secretary.

A bill from the House of Representatives entitled, "an act to authorize a special term of the Owen circuit court, was read the second time, and on the motion of Mr. Dudley, laid on the table until the first day of June next.

An engrossed bill entitled, an act for the benefit of Greenswell Williams and others, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Green carry the said bill to the House of Representatives and request their concurrence.

Then, at fifteen minutes past 2 o'clock P. M. Mr. Daveiss moved that the Senate do now adjourn.

And the question being taken thereon it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Yancey, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Cunningham, Daniel, Daveiss, Dudley, Gibson, Green, Garrard, Given, Locker, Muldrow, O'Bannon, Slaughter, Stephens, Ward, White, M. H. Wickliffe, Wood and Yancey—21.

NAYS—Messrs. C. Allen, Beaty, Cockerill, Crutcher, Faulkner, Hickman, Lockett, Mayo, M'Connell, Pope, Selby, Smith, R. Wickliffe and Woods—14.

SATURDAY, DECEMBER 30, 1826.

The Senate assembled.

The Speaker laid before the Senate a letter and statement from the President of the Bank of the Commonwealth of Kentucky, which were read as follows, to-wit:

BANK OF THE COMMONWEALTH OF KENTUCKY,
December 30th, 1826.

SIR—In obedience to a resolution of the Senate, requiring a statement of the expenditures of each of the branches for the current year, setting forth the several items of such expenditure, I herewith have the honor to transmit such a statement, which please lay before the Senate.

Very respectfully, your obedient servant,
O. G. WAGGENER, *President.*

HON. ROBERT B. M'AFEE, *Speaker of the Senate.*

Mr. Green presented the petition of Richard Hunt and Winifred Hunt his wife, praying a divorce from each other.

Mr. Given presented the petition of sundry persons, praying that the Register of the Land office, be directed to receive and register certain plats and certificates of survey, of lands lying between Walker's line and latitude $36^{\circ} 30'$ north.

Which were severally received, read and referred, the former to the committee of religion, and the latter to a select committee of Messrs. Given, Wood, Locker and Beaty.

Mr. Crutcher from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act to authorize the trustees of the Washington Academy to sell their lands," reported the same with an amendment.

Which was twice read and concurred in.

Ordered, That the said bill as amended, be read a third time. And thereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with.

Resolved, That the said bill as amended to pass, and that the title be amended to read, an act authorizing the trustees of the Washington, Hardin and Clay Academies to sell their lands.

Ordered, That Mr. Crutcher inform the House of Representatives thereof, and request their concurrence in the said amendments.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Beaty—1. A bill to authorize the courts of Wayne and Whitley counties, to locate, sell and dispose of five thousand acres of the vacant land lying between Walker's line and the latitude $36^{\circ} 30'$ north in the state of Tennessee, within the bounds of said counties, to open a road from the little South fork of Cumberland river, near Branscomb's mill, by John

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Amount paid for Judicial Expenses.	Station Fuel
71 32	2
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320 89	3
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276 50	18
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256 02	24
339 10	230
029 56	1,6

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A STATEMENT

[To face page 164.]

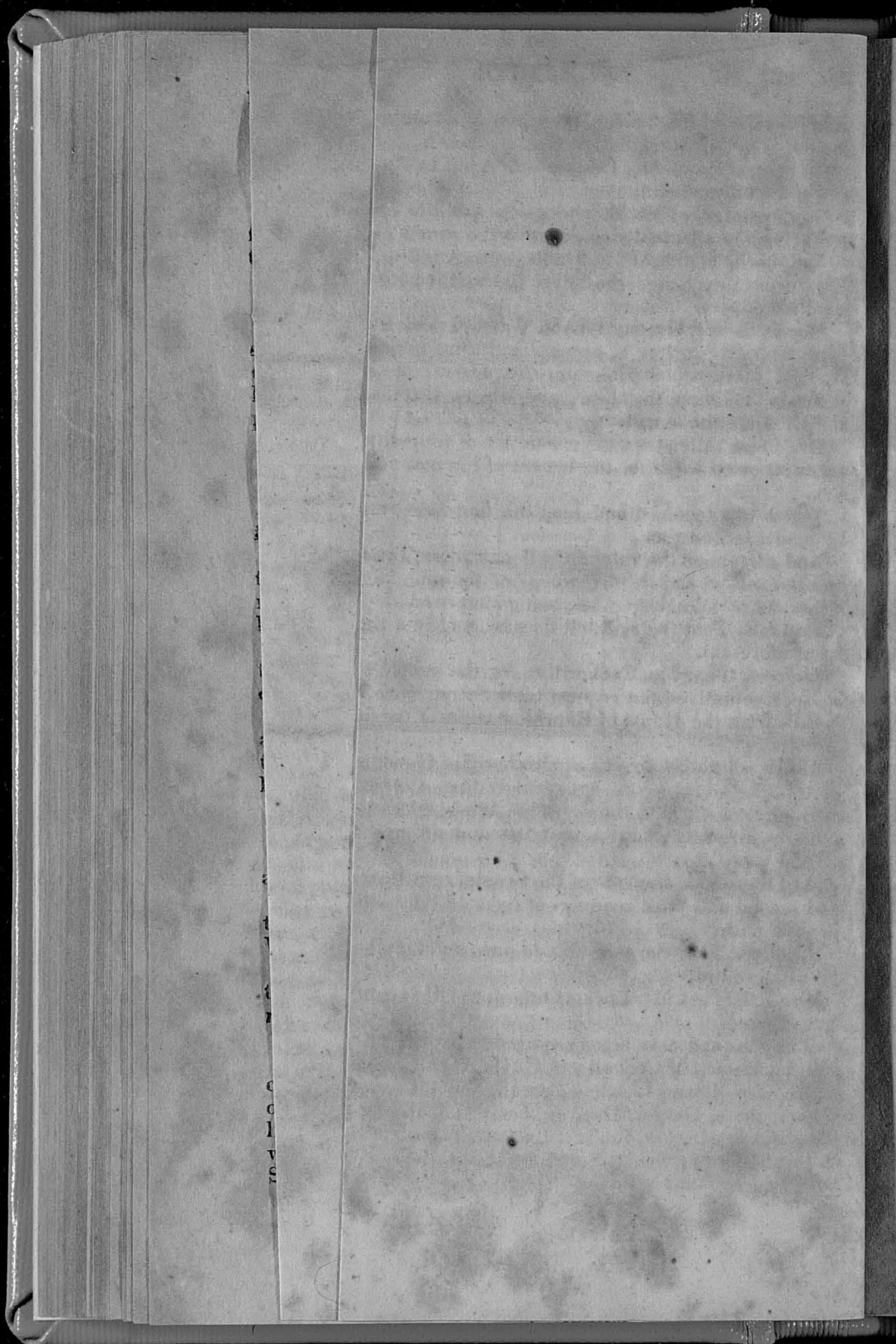
Of the Expenses of the Branches of the Bank of the Commonwealth of Kentucky, shewing the items of expenses at each, for the current year, 1826.

BRANCHES.	Amount paid for Salaries.	Amount paid for house rent in the current year.	Annual costs of house rent	Amount paid for Judicial Expenses.	Stationary, Fuel, &c.	Amount paid for remitting money to the mother bank.	Total am't of Expenses.
Louisville - - - -	937 50	437 50	350 00		267 31	70 12	2,532 62
Flemingsburg - - -	950 00	65 00	65 00	71 32	85 66	24 19	866 00
Somerset - - - -	1,020 68	75 00	75 00	177 98	41 74	128 78	1,439 81
Princeton - - - -	1,100 00		50 00	532 63	87 43	60 00	2,396 90
Falmouth - - - -	930 00	50 00	50 00	320 89	83 12		1,290 85
Harrodsburg - - -	1,200 00	125 00	125 00		257 62		1,582 62
Winchester - - - -	1,062 50		100 00	1,276 50	188 70		1,451 72
Hartford - - - -	950 00	200 00	100 00	55 12	87 00	30 00	1,345 92
Lexington - - - -	1,500 00	475 00	475 00	256 02	345 86		2,576 86
Mountsterling - -	1,050 00	120 00	120 00	339 10	230 60	21 25	1,163 20
Greensburg - - -			50 00				2,452 44
Bowlinggreen - -			155 00				4,001 47
	10,720 68	1,547 50	1,715 00	3,029 56	1,675 04	334 34	23,100 43

The above statement is given as the best that can be made out from the reports in this Bank. The two Branches last named failed to send on accounts of their expenses in detail, and therefore the gross amount as to them can only be given. These Branches have been written to on the subject, and we expect in a few days to get a detailed report. Some of the reports from which the above statement is taken, contain no charge for payments made for House rent, and others none for Judicial expenses. This is because none had been paid in the course of the year; or if paid, were blended with some other item. The variance in the several amounts paid for salaries, is owing to there being balances on that account the preceding year, and paid in the present year. The amounts charged as expended in Judicial proceedings, should not be considered, except to a very small extent, as money lost to the institution, as it is an expense which is from time to time almost entirely refunded to the Bank; and it will be seen from the above statement, that this item constitutes no inconsiderable portion of the gross amount of expenses. The last column, under the head of "Total amount of Expenses," is to be considered as detached from the balance of this report; as those amounts have been reduced by credits, which do not appear in the Report. The Report is made out from the list of expenses furnished this Bank, without regard to what may have been refunded in the way of costs in judicial proceedings, which having been applied as credits, reduced the amounts as they appear in the last column.

O. G. WAGGENER, *President.*

December 30th, 1826.



than Blevens' on Rock creek, thence by Williamsburg in Whitley county, to Goose creek Salt Works.

On the motion of Mr. Dudley—2. A bill to tax auction sales in this Commonwealth.

On the motion of Mr. Stephens—3. A bill to amend the several acts more effectually to suppress the practice of dueling.

And on the motion of Mr. Dudley—4. A bill to authorize the Treasurer to exchange the Silver in the Treasury for Commonwealth's paper.

Messrs. Beaty, Green, Woods, Garrard and Slaughter were appointed a committee to prepare and bring in the first; Messrs. Dudley, Daveiss and Slaughter the second; Messrs. Stephens, Woods and Gibson, the third; and Messrs. Dudley, R. Wickliffe and C. Allan the fourth.

Mr. James Allen from the committee of propositions and grievances reported a bill for the benefit of Eleanor and Julia Harrison.

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and the second and third readings of the said bill having been dispensed with, and the same being engrossed.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Cockerill carry the said bill to the House of Representatives and request their concurrence.

Bills from the House of Representatives of the following titles, to-wit:

1. An act for the benefit of the sheriff of Henderson county.

And, 2. An act for the benefit of William Caldwell, late sheriff of Bullitt county, and the sheriff of Washington county;

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bills having been dispensed with:

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Lockett inform the House of Representatives thereof.

The yeas and nays being required on the passage of the former bill, by Messrs. M'Connell and C. H. Allen, were as follows, viz:

YEAS—Messrs. J. Allen, Barrett, Beaty, Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Dudley, Garrard, Given, A. S. Hughes, J. Hughes, Locker, Lockett, Mayo, O'Bannon, Pope, Selby, Slaughter, Smith, Stephens, Ward, M. H. Wickliffe, Wood and Yancey—26.

NAYS—Messrs. C. Allan, C. H. Allen, Faulkner, Gibson, Green, Hickman, McConnell, Muldrow, White, R. Wickliffe and Woods—11.

After some time, the said bills having been enrolled, Mr. Beaty from the joint committee of enrollments reported, that the committee had examined the former bill, and Mr. Yancey from the same committee reported, that they had examined the latter bill, and had found them truly enrolled.

A message was received from the House of Representatives, announcing that their Speaker had signed said bills:

Whereupon the Speaker of the Senate signed the same; and they were delivered to the joint committee to be laid before the Governor.

After a short time Mr. Yancey reported, that they had performed that duty.

Mr. Slaughter having obtained leave, reported a bill concerning certain sheriffs:

Which was read the first time and ordered to be read a second time.

Mr. Slaughter then moved, that the rule of the Senate, constitutional provision, and second and third readings of the said bill be dispensed with:

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Green and Faulkner, were as follows, to-wit:

YEAS—Messrs. Crutcher, Daveiss, Dudley, Garrard, Given, Hickman, A. S. Hughes, J. Hughes, Locker, Lockett, Mayo, Pope, Selby, Slaughter, Stephens, M. H. Wickliffe, Wood and Yancey—13.

NAYS—Messrs. C. Allan, C. H. Allen, Barrett, Beaty, Cockerill, Cunningham, Daniel, Faulkner, Gibson, Green, McConnell, Smith, Ward, White, R. Wickliffe and Woods—16.

A message from the House of Representatives by Mr. Underwood:

Mr. Speaker—The House of Representatives have passed an enrolled bill which originated in the Senate, entitled, an act to remove the unconstitutional obstructions which have been thrown in the way of the Court of Appeals, pursuant to the provisions of the constitution, the Governor's objections notwithstanding; and they have appointed a committee of four on their part, to act with such committee as may be appointed on the part of the Senate, to deposit the said bill in the Secretary's office, in the custody of the Secretary of state.

And then he withdrew.

Whereupon Messrs. C. Allan and Green, were appointed a committee on the part of the Senate; and the said bill was delivered.

ered to the said committee, and after a short time Mr. C. Allan reported, that the committee had performed the duty assigned them.

A message from the House of Representatives by Mr. Nuttall.

Mr. Speaker—The House of Representatives have passed a bill entitled, an act to allow additional trustees to the Seminary of New-Castle; in which they request the concurrence of the Senate.

And then he withdrew.

Engrossed bills of the following titles:

1. An act concerning writs of error and appeals, and for other purposes.

2. An act more effectually to prevent the importation of slaves.

And 3. An act concerning the action of detainue, were severally read the third time;

The second bill was recommitted to a select committee of Messrs. R. Wickliffe, Pope, Green and C. Allan.

Resolved, That the first and third bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. R. Wickliffe carry the said bills to the House of Representatives and request their concurrence.

A bill from the House of Representatives, entitled, "an act to re-establish Todd's Ware House in Louisville, was read the second time, and ordered to be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with:

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. J. Hughes inform the House of Representatives thereof.

A bill concerning the Bank of the Commonwealth of Kentucky, was read a second time, and committed to a committee of the whole house, for Tuesday next.

The Senate received from the Governor, by Mr. Pickett, Secretary of state, a message in writing.

And then the Senate adjourned.

MONDAY, JANUARY 1, 1827.

The Senate assembled.

Mr. M'Connell presented the petition of sundry persons, praying that David Lott, James Lott and George Jones, free persons of color, and their families may, by law, be made citizens of this Commonwealth.

Which was received, read and referred to a select committee of Messrs. M'Connell, Green, R. Wickliffe and Beaty.

Mr. J. Allen from the committee of propositions and grievances, made the following report, to-wit:

The committee of propositions and grievances, to whom was referred, the petition of sundry citizens of Allen county, praying to be added to the county of Barren, have, according to order, had the same under consideration, and have come to the following resolution thereon, to-wit:

Resolved, That said petition *be rejected*.

Which was twice read and concurred in.

Mr. C. H. Allen from the committee for courts of justice, made the following report, to-wit:

The committee for courts of justice have, according to order, had under consideration the petition of Samuel May and John S. Oakley, praying that a law may pass, remunerating them for money expended in pursuing and retaking William Holman, a fugitive from justice, and have come to the following resolution thereon, to-wit:

Resolved, That said petition *be rejected*.

Which being twice read and amended by striking out "*be rejected*" and inserting in lieu thereof the words "*is reasonable*," was concurred in.

Ordered, That the committee for courts of justice prepare and bring in a bill pursuant to the said resolution.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. Given—1. A bill to authorize sundry persons south of Walker's line, to register their plats.

By Mr. Dudley—2. A bill to authorize the Treasurer to exchange the Silver in the Treasury for Commonwealth's bank paper.

By Mr. Stephens—3. A bill to amend the several acts more effectually to suppress the practice of dueling.

And by Mr. Beaty—4. A bill to authorize the county courts of Wayne and Whitley counties, to appropriate lands to open a road in said counties.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the first and fourth bills having been dispensed with; the first was committed to a select committee of Messrs. M'Connell, Given, Wood and Beaty; and the fourth to a select committee of Messrs. M. H. Wickliffe, M'Connell and Beaty.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Given—1. A bill to regulate ferries on the Tennessee and part of the Cumberland river.

On the motion of Mr. Ward—2. A bill to legalize certain proceedings of the county court of Mason.

On the motion of Mr. Dudley—3. A bill for the benefit of Samuel South.

On the motion of Mr. Slaughter—4. A bill to authorize the clerk of the county court of Logan, to have rebound certain record books, and for other purposes.

On the motion of Mr. Beaty—5. A bill to regulate the price of fuel used by the General Assembly, annually.

On the motion of Mr. Garrard—6. A bill to alter the time of holding certain circuit and county courts.

On the motion of Mr. R. Wickliffe—7. A bill to amend the law concerning witnesses, and for other purposes; and—8. A bill to explain and amend the penal laws.

And on the motion of Mr. Lockett—9. A bill to regulate sheriffs' and constables' sales.

Messrs. Green, Locker and Stephens were appointed a committee to prepare and bring in the first; Messrs. Ward, A. S. Hughes, C. Allan and O'Bannon, the second; Messrs. Dudley, Woods and C. Allan, the third; Messrs. Slaughter, Locker and Cockerill, the fourth; Messrs. Beaty, R. Wickliffe, Dudley and Daniel, the fifth; Messrs. Garrard, Green and Daveiss, the sixth; Messrs. R. Wickliffe, Pope, C. Allan, Green and M'Connell, the seventh; Messrs. R. Wickliffe, Pope, A. S. Hughes and C. Allan, the eighth; and Messrs. Lockett, Daveiss, C. Allan, M'Connell and J. Allen, the ninth.

Mr. Stephens from the select committee to whom was referred, a bill to repeal the act entitled, "an act to alter the mode of taking in lists of taxable property," approved, December 19, 1825, reported the same with amendments, which were twice read and concurred in.

The said bill as amended, was read as follows, to-wit:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act entitled, "an act to alter the mode of taking in lists of taxable property," approved, December 19th, 1825, be, and the same is hereby repealed; And that all laws repealed by the said recited act, are hereby revived, re-enacted and declared to be in full force, and to have, in all respects, the same effect and operation as if said recited act had not passed; *Provided*, That nothing herein, shall be construed to revive an act, entitled, "an act further to regulate the valuation of taxable property in this Commonwealth," approved, December 14th, 1824, but said commissioners shall make their valuations in Gold or Silver.

Sec. 2. *Be it further enacted*, That on the commissioner's failing to perform, or negligently performing his duty, it shall be the duty of the county court to fine said commissioner or commis-

sioners in any sum allowed said commissioners for their services; *Provided*, That such fine be imposed by the county court, within one year after said commissioners shall have obtained an allowance from said court for his services.

And the question being taken on engrossing the same and reading it a third time, it was decided in the negative;

And so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Beaty and Gibson, were as follows, to-wit:

YEAS—Messrs. Crutcher, Green, J. Hughes, Locker, Lockett, Mayo, M'Connell, Pope, Slaughter, Smith, Ward, White, M. H. Wickliffe, R. Wickliffe and Wood,—14.

NAYS—Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Cunningham, Daniel, Daveiss, Dudley, Faulkner, Gibson, Garrard, Given, Hickman, A. S. Hughes, O'Bannon, Selby, Stephens, Woods and Yancey—22.

A message from the House of Representatives by Mr. White:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled, an act authorizing the trustees of Millersburg to sell a part of the public ground in said town; and they have passed bills of the following titles:

An act to restrict the county court of Jefferson in laying their levy: and,

An act to encourage the publication of a Digest of the decisions of the Court of Appeals of Kentucky.

In which bills they request the concurrence of the Senate.

And then he withdrew.

A bill from the House of Representatives, entitled, "an act to establish the county of M'Kee, was taken up and read as follows, to-wit:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the third Monday in February, 1827, all that part of Washington county, contained in the following bounds, to-wit: Beginning at a half way point between Springfield and Lebanon, thence running due east to the Mercer county line, thence with the Mercer county line to the Casey county line, thence with the Casey county line to the Green county line, thence with the Green county line to the Hardin county line, thence with the Hardin county line to the Nelson county line, thence with the Nelson county line to where the road leading from Springfield to Elizabethtown strikes the Nelson county line, thence with the Elizabethtown road to Hardin's creek, thence up Hardin's creek to a point from whence a due east course will strike the half way point between Springfield and Lebanon, shall be one distinct county to be called and known by the name of the county of M'Kee, in honor of Col. Samuel M'Kee.

Sec. 2. *Be it further enacted*, That the said county of M'Kee, shall be entitled to eleven justices of the peace, who shall meet at the house of Bazil Haydon, in the town of Lebanon, on the first Monday in March next; and after taking the necessary oaths of office, as prescribed by the constitution of the United States and the constitution and laws of Kentucky, they shall proceed to appoint a clerk, a majority of all the justices in commission being present.

Sec. 3. *Be it further enacted*, That the county court of M'Kee shall be held on the first Monday in each month, and the county of M'Kee shall compose a part of the thirteenth judicial district, and the circuit court shall be held at the house of Bazil Haydon, in the town of Lebanon, on the first Monday in February, the third Monday in July and the fourth Monday in November, and sit six judicial days at each term, if the business shall require it.

Sec. 4. *Be it further enacted*, That the circuit and county courts of Washington and justices of the peace therein, shall have jurisdiction over all matters in law and equity, prior to the time this law takes effect, and that the sheriff of Washington shall collect all fines and other monies, execute all process, precepts, writs and executions which are put into his hands prior to the time this act takes effect.

Sec. 5. *Be it further enacted*, That the county court of M'Kee shall, as soon as practicable, after it is organized, cause the necessary public buildings to be erected.

Sec. 6. *Be it further enacted*, That the county and circuit courts of M'Kee shall continue to be held at the house of Bazil Haydon, in the town of Lebanon, until suitable public buildings shall be erected, or at such other place in said town, as the county court may direct.

Sec. 7. *Be it further enacted*, That the seat of justice for the county of M'Kee, shall be fixed in the town of Lebanon, on such ground as a majority of the justices of the peace of said county may fix on, and they shall have full power and authority to receive such donations of lands and money, as may be offered or subscribed, for the erection of the public buildings.

Sec. 8. *Be it further enacted*, That the voters residing within the bounds, shall vote as heretofore, until after the next apportionment of Representatives.

Sec. 9. *Be it further enacted*, That William M. Beall of Washington county, and David Graham of the county of M'Kee, are hereby appointed commissioners, and vested with full power and authority, to run and mark the dividing line between the counties of Washington and the county of M'Kee, agreeable to the provisions of the first section of this act, and the said commissioners shall make out and return to each of the county courts for the counties aforesaid, a plat of the line, as run by them,

which shall be entered of record by their clerks, as a guide for the officers of their respective counties, and the said commissioners shall receive as a compensation for their services, the sum of three dollars each per day, to be paid by the county of M'Kee.

Mr. Pope moved to lay the said bill on the table until the 30th day of July next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. M. H. Wickliffe and Pope, were as follows, to-wit:

YEAS—Messrs. C. Allan, Beaty, Carneal, Crutcher, Cunningham, Daniel, Faulkner, Green, Garrard, Hickman, Locker, M'Connell, Pope, Slaughter, Smith, Stephens, White, M. H. Wickliffe, R. Wickliffe and Woods—20.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Cockerill, Daveiss, Gibson, Given, A. S. Hughes, J. Hughes, Mayo, O'Bannon, Selby, Wood and Yancey—14.

And then the Senate adjourned.

TUESDAY, JANUARY 2, 1827.

The Senate assembled.

Mr. Carneal presented the petition of sundry citizens of Campbell county, praying that a premium may be offered, for the discovery of the cause of the disease called, the puking sickness.

Which was received, read and referred to a select committee of Messrs. Carneal, Green, Yancey and Gibson, who are directed to report thereon, at the next session of the General Assembly.

Mr. Mayo presented the petition of James Ramey and others, praying compensation for conveying two prisoners, who were apprehended upon a charge of Murder; from Floyd to Whitley county, under a warrant from a justice of the peace.

Which was received, read and referred to the committee for courts of justice.

Mr. Charles H. Allen from the committee for courts of justice, made the following report, to-wit:

The committee for courts of justice have, according to order, had under consideration, sundry petitions to them referred, and have come to the following resolutions thereupon, to-wit:

Resolved, That the petition of the trustees and citizens of Glasgow, praying that a law may pass, authorizing the sale of a part of the streets in said town, *be rejected*.

Resolved, That the petition of John Brynes, praying that a law may pass, to refund to him the amount of money paid by him for two fractions of sections of land, lying west of the Tennessee river, there having been a mistake in sectionizing said land, *be rejected*.

Resolved, That the petition of John Smith, administrator of Samuel C. Smith deceased, praying that a law may pass, authorizing him to convey by deed, certain lands, that had been sold by said decedent in his lifetime, and also to sell a lot of ground in Georgetown, belonging to the estate of said deceased, *be rejected*.

Resolved, That the petition of John Duley, praying that a law may pass to prevent suits from being brought against any person in fictitious names, *be rejected*.

Which was twice read, the first resolution amended by striking out "*be rejected*," and inserting in lieu thereof "*is reasonable*," and concurred in.

Ordered, That the committee for courts of justice prepare and bring in a bill pursuant to the first resolution.

Messages were received from the House of Representatives, announcing the passage of bills by that body, of the following titles:

An act to repeal the laws requiring property taken under execution to sell for three fourths of its value, and for other purposes.

An act for the benefit of the creditors of Margaret Roberts deceased; and,

An act concerning county and circuit clerks of this Commonwealth.

And a bill which originated in the Senate, entitled, an act to incorporate the Cumberland College at Princeton.

Mr C. H. Allen from the committee for courts of justice, made the following report, to-wit:

The committee for courts of justice have, according to order, had under consideration, sundry bills to them referred, and have come to the following resolutions thereupon, to-wit:

Resolved, That the bill from the House of Representatives, entitled, "an act for the benefit of the Deaf and Dumb Asylum at Danville," *ought not to pass*.

Resolved, That the bill from the House of Representatives, entitled, "an act for the benefit of William Pearl a Lunatic," *ought not to pass*.

Resolved, That the bill to amend the penal laws, *ought to pass*.

Resolved, That the bill from the House of Representatives, entitled, "an act to authorize the stockholders of the Bank of Limestone, to elect an agent or commissioner," *ought to pass*.

Which was twice read and amended by striking out the word "*not*" in the first resolution, and concurred in.

The said bills mentioned in the first, third and fourth resolutions, were severally recommitted; the first to a select committee of Messrs. Carneal, Green, Pope and Daveiss; the third to a select committee of Messrs. R. Wickliffe, Pope, C. Allan, Green,

M'Connell, Yancey and Carneal; and the fourth to a select committee of Messrs. Ward, Carneal, Dudley and M'Connell, and the bill mentioned in the second resolution was disagreed to.

Ordered, That Mr. Green inform the House of Representatives thereof.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. C. H. Allen—1. A bill for the benefit of Samuel May and John S. Oakley.

And by Mr. Dudley—2. A bill for the benefit of Samuel South.

Which were severally received and read the first time and ordered to be read a second time.

The yeas and nays being required on reading the first bill a second time, by Messrs. Mayo and Cockerill, were as follows, to-wit:

NAYS—Messrs. J. Allen, Barrett, Beaty, Crutcher, Daniel, Dudley, Garrard, Given, A. S. Hughes, J. Hughes, Locker, Lockett, Mayo, O'Bannon, Selby, Slaughter, Smith, Ward, M. H. Wickliffe, Wood and Yancey—21.

NAYS—Messrs. C. Allan, C. H. Allen, Carneal, Cockerill, Daveiss, Faulkner, Gibson, Green, Hickman, M'Connell, Muldrow, Pope, Stephens, White, R. Wickliffe and Woods—16.

Mr. Carneal from the select committee to whom was referred a bill from the House of Representatives, entitled, "an act for the benefit of the Deaf and Dumb Asylum at Danville," reported the same with amendments; the first and second were twice read and concurred in.

The third amendment proposes to strike out the fourth section of the bill, which reads as follows, to-wit:

Sec. 4. *And be it further enacted*, That hereafter the said trustees shall not be compelled to receive any indigent person into said institution, to be educated and maintained upon the charity thereof, unless the parent or other person having the legal care of such proposed pupil, shall, by a written contract with said trustees, if required, bind him or herself not to remove such pupil from the institution, within less than four years from the time of such pupil's entrance, without the leave of said trustees; and such contract shall have all the force and effect of an indenture of apprenticeship, legally and formally executed, in giving to said trustees control over the person of such pupil.

And the question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Selby and Mayo, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Crutcher, Daniel, Dudley, Given, Hick-

man, A. S. Hughes, Locker, Lockett, Mayo, Muldrow, Pope, Selby, Slaughter, Stephens, M. H. Wickliffe, R. Wickliffe, Wood and Yancey—25.

NAYS—Messrs. Daveiss, Faulkner, Gibson, Green, Garrard, J. Hughes, M'Connell, O'Bannon, Smith, Ward, White and Woods—12.

Ordered, That the said bill, as amended, be read a third time. And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Daveiss inform the House of Representatives thereof, and request their concurrence in the said amendments.

The message from the Governor, received on the 30th ultimo, was taken up and read as follows, to-wit:

Gentlemen of the Senate.

I nominate for your advice and consent, George M. Bibb, Esq. to be commissioned chief justice of Kentucky.

Dec. 30, 1826.

JOSEPH DESHA.

Mr. Lockett moved to lay the same on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Daveiss and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. Allan, Beaty, Faulkner, Gibson, Green, Garrard, Given, Hickman, Locker, Lockett, M'Connell, Muldrow, Stephens, Ward, White, R. Wickliffe and Woods—17.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Carneal, Cockerill, Crutcher, Daniel, Daveiss, Dudley, A. S. Hughes, J. Hughes, Mayo, O'Bannon, Pope, Selby, Slaughter, Smith, M. H. Wickliffe, Wood and Yancey—20.

Mr. C. Allan then moved to lay the said nomination on the table until Thursday next.

And then the Senate adjourned.

WEDNESDAY, JANUARY 3, 1827.

The Senate assembled.

1. Mr. Crutcher presented the petition of sundry citizens of the counties of Hardin, Green, Washington and Nelson, praying for the formation of a new county out of a part of each of the said counties.

2. Mr. Daveiss presented the petition of the trustees of the town of Danville, praying that the public ground in said town may be vested in them, and that they be authorized to sell or dispose of the same for the benefit of said town. Also, 3. The pe-

tion of the trustees of the town of Danville, representing that Edward Thursby, who owned and possessed three in lots in said town, died intestate, leaving no heirs capable of inheriting the same, and praying that a law may pass, vesting them with all the right of the state in said lots, for the use and benefit of said town.

4. Mr. Gibson presented the petition of sundry citizens of Williamstown and Grant county, praying that a law may pass to establish said town according to the old plat of said town, and to appoint trustees therein.

5. Mr. Cunningham presented the petition of sundry citizens, praying that a law may pass for opening a road from Brandenburg in Mead county, to Bowlinggreen.

6. Mr. Beaty presented the petition of Charles Mullen, praying that a law may pass authorizing him to appropriate a portion of the vacant lands of this Commonwealth, free from expense.

Which were severally received, read and referred; the first, fifth and sixth to the committee of propositions and grievances; the second and third to a select committee of Messrs. Daveiss, Green, Pope and Faulkner, and the fourth to the committee for courts of justice.

Mr. C. H. Allen from the committee for courts of justice, to whom was referred, a bill to amend the law in relation to the relinquishment of dower, reported the same with an amendment.

Which was twice read and concurred in; and the said bill was laid on the table.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. C. H. Allen—1. A bill to authorize the trustees of the town of Glasgow to sell certain streets and alleys in said town.

By Mr. Beaty—2. A bill to regulate the mode of getting fuel for the General Assembly.

By Mr. Ward—3. A bill to legalize the proceedings of the county court of Mason.

By Mr. Given—4. A bill to regulate ferries on the Tennessee river and part of the Cumberland river.

By Mr. Dudley—5. A bill to tax auction sales in this Commonwealth—and,

By Mr. Garrard—6. A bill to alter the time of holding certain county and circuit courts.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the first, third and sixth bills, and the second and third readings of the fourth bill having been dispensed with; the first was committed to a select committee of Messrs. Yancey, Crutcher, Selby and Given; the third to a select com-

mittee of Messrs. Faulkner, Dudley, Ward and C. Allan; the sixth to a select committee of Messrs. Mayo, Garrard, M'Connell, A. S. Hughes, Carneal and Barrett; and the fourth bill having been engrossed:

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Given carry the same to the House of Representatives and request their concurrence.

Mr. Yancey from the select committee to whom was referred, a bill to authorize the trustees of the town of Glasgow to sell certain streets and alleys in said town, reported the same with an amendment.

Which was twice read and concurred in.

Ordered, That the said bill as amended, be engrossed and read a third time on to-morrow.

The Senate received from the Governor, by Mr. Loughborough, assistant secretary, a message in writing.

Mr. R. Wickliffe from the select committee to whom was referred, a bill to amend the penal laws, reported the same with an amendment.

Which was twice read and concurred in.

Ordered, That the said bill, as amended, be engrossed and read a third time on to-morrow.

Mr. Faulkner from the select committee to whom was referred, a bill to legalize the proceedings of the county court of Mason, reported the same with an amendment;

Which was twice read and concurred in.

Ordered, That the said bill be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Ward carry the said bill to the House of Representatives, and request their concurrence.

Mr. Slaughter moved to take up the report of the committee on that part of the Governor's message which relates to the constitution of the United States, and suggests the propriety of certain amendments thereto.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Daveiss and Slaughter, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Carneal, Cockrill, Daniel, Daveiss, Dudley, Given, J. Hughes, O'Bannon, Pope, Selby, Slaughter, Smith, M. H. Wickliffe, Wood and Yancey—18.

NAYS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, A. S. Hughes, Locker, Lockett, Mayo, M'Connell, Muldrow, Stephens, Ward, White, R. Wickliffe and Woods—20.

Messages were received from the House of Representatives, announcing the passage of bills, by that body, of the following titles, to-wit:

An act to authorize certain counties to lay their county levy, and for other purposes.

An act concerning the vacant lands of this Commonwealth, acquired by warrant north of Walker's line.

An act to authorize the sale of the lands of Fanny Hoy and Sophia Sullivan, and for other purposes.

An act concerning the court house and public square in the town of Eddyville, Caldwell county.

And a bill from the Senate entitled, an act for the benefit of the judge of the 13th judicial district.

Mr. Lockett moved the following resolutions, to-wit:

Whereas, in a government like ours, all public officers are the representatives of the people, and the people have an undoubted right to call upon all persons, before their elevation to office, for a frank avowal of their principles, and as it is not convenient for the people to exercise this right in regard to judges, in any other mode than through the Senate:

Resolved therefore, That it is proper, in the present condition of the judiciary, for the Senate, in the name and on behalf of the good people of this Commonwealth, to enquire of the honorable George M. Bibb, before they act upon his nomination as chief justice of the state, whether he will immediately accept the office? whether he will feel it his duty to conform to an act of the present session, entitled, "an act to remove the unconstitutional obstructions which have been thrown in the way of the Court of Appeals!" and whether he is prepared to preside in the court and act with the judges recognized in said act.

Resolved, That the Speaker of the Senate transmit to Mr. Bibb, a copy of the foregoing preamble and resolution, and respectfully request his answer.

Mr. Pope moved to lay the said resolutions on the table till the first day of June next.

And then the Senate adjourned.

THURSDAY, JANUARY 4, 1827.

The Senate assembled.

Mr. Ward presented the petition of Simon Kenton, praying that the right of this Commonwealth to several tracts of land, which belonged to him, and was forfeited for the non-payment

of the taxes due thereon, may be relinquished to him; which was received, read and referred to the committee for courts of justice.

A message was received from the Governor by Mr. Loughborough, assistant secretary.

The rule being dispensed with, it was taken up and read as follows, to-wit:

Gentlemen of the Senate.

On yesterday, I nominated for your advice and consent, Atkinson Hill Rowan, as Commonwealth's Attorney for the fifth Judicial District, in place of James Guthrie, resigned. I now beg leave to withdraw said nomination.

January 4, 1827.

JOSEPH DESHA.

Resolved, That leave be given to withdraw the said nomination; and that Mr. Carneal inform the Governor thereof.

Mr. Given, from the select committee to whom was referred a bill to authorize sundry persons south of Walker's line to register their plats, reported the same with an amendment; which was twice read and concurred in.

Ordered, That the said bill, as amended, be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Given carry the said bill to the House of Representatives, and request their concurrence.

Mr. Beaty, from the committee to whom was referred a bill to authorize the County Courts of Wayne and Whitley counties to appropriate land to open a road in said counties, reported the same with an amendment, which was twice read and concurred in.

Ordered, That the said bill as amended be engrossed and read a third time on to-morrow.

Mr. Yancey from the joint committee of enrollments reported that the committee had examined enrolled bills of the following titles:

An act authorizing the trustees of Millersburg to sell a part of the public ground in said town.

And, an act to incorporate the Cumberland College at Princeton.

And had found the same truly enrolled.

A message was received from the House of Representatives, announcing that their Speaker had signed said bills.

Whereupon the Speaker of the Senate signed the same, and they were delivered to the joint committee to be laid before the

Governor; and after a short time Mr. Yancey reported that the committee had performed that duty.

Mr. Ward from the select committee to whom was referred a bill from the House of Representatives, entitled, "an act to authorize the stockholders of the Bank of Limestone to elect an agent or commissioner," reported the same with an amendment.

Ordered, That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with:

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Ward inform the House of Representatives thereof.

The Senate received from the Governor, by Mr. Loughborough, assistant secretary, a message in writing.

Messages were received from the House of Representatives, announcing the passage of bills, by that body, of the following titles:

An act to allow an additional constable in the county of Boone.

An act to add two additional justices of the peace in the county of Christian, and for other purposes.

An act to amend the law concerning the town of Henderson.

And an act to change the time of holding the Casey county court.

And a bill which originated in the Senate, entitled, an act to add a small part of Henry county to the county of Franklin, with an amendment.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. J. Allen—1. A bill to authorize Christopher Haines and others, to erect mill dams across Big Barren river.

By Mr. Daveiss—2. A bill to appropriate certain lots in Danville which have escheated to this Commonwealth.

By Mr. Daveiss—3. A bill concerning the public ground in the town of Danville.

And by Mr. M'Connell—4. A bill for the benefit of James Lott and others.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the second and fourth bills having been dispensed with, the second was committed to a select committee of Messrs. Beaty, Green, R. Wickliffe, Daveiss and A. S. Hughes; and the fourth to a select committee of Messrs. M'Connell, Lockett and Cunningham.

After a short time, Mr. Lockett reported the fourth bill, with an amendment, which was twice read and concurred in.

Mr. Crutcher moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Beaty and Crutcher, were as follows, to-wit:

YEAS—Messrs. C. Allan, J. Allen, Carneal, Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Dudley, Faulkner, Garrard, O'Bannon, Slaughter, Smith, White and Woods—16.

NAYS—Messrs. C. H. Allen, Barrett, Beaty, Gibson, Green, Hickman, A. S. Hughes, J. Hughes, Locker, Lockett, Mayo, M'Connell, Muldrow, Pope, Selby, Ward, M. H. Wickliffe, R. Wickliffe, Wood and Yancey—20.

Ordered, That the said bill, as amended, be engrossed and read a third time on to-morrow.

A bill from the House of Representatives, entitled, an act to authorize certain counties to lay their county levy, and for other purposes, was read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with; it was committed to a select committee of Messrs. Dudley, J. Hughes and Pope.

The resolution moved by Mr. Lockett on yesterday, was taken up, and some discussion had thereon.

At 5 minutes after 5 o'clock, P. M. Mr. Barrett moved that the Senate do now adjourn.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Carneal, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Daveiss, Dudley, Gibson, Given, A. S. Hughes, J. Hughes, Locker, Pope, Selby, Smith and Wood—14.

NAYS—Messrs. C. Allan, Beaty, Carneal, Cockerill, Cunningham, Daniel, Faulkner, Green, Garrard, Hickman, Lockett, Mayo, M'Connell, Muldrow, O'Bannon, Slaughter, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe, Woods and Yancey—23.

The discussion on the resolutions moved by Mr. Lockett, was continued.

At 45 minutes after 8 o'clock P. M. Mr. Dudley moved that the Senate do now adjourn.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Green and Carneal, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Daniel, Daveiss, Dudley, J. Hughes, O'Bannon, Pope, Selby, Slaughter and Wood—12.

NAYS—Messrs. C. Allan, Beaty, Carneal, Cockerill, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Given, Hickman, A. S. Hughes, Locker, Lockett, Mayo, M'Connell, Muldrow, Smith, Stephens, Ward, White, R. Wickliffe, Woods and Yancey—25.

The question was then taken on laying the said resolutions on the table until the first day of June next, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Yancey and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Carneal, Cockerill, Daniel, Daveiss, Dudley, Gibson, A. S. Hughes, J. Hughes, Locker, Mayo, O'Bannon, Pope, Selby, Slaughter, Smith, Wood and Yancey—20.

NAYS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Green, Garrard, Given, Hickman, Lockett, M'Connell, Muldrow, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—18.

The nomination of George M. Bibb, Esq. to be commissioned chief justice of Kentucky, was again taken up.

And the question being put on advising and consenting to the said appointment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Yancey and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Carneal, Cockerill, Crutcher, Daniel, Daveiss, Dudley, Given, A. S. Hughes, J. Hughes, Locker, Mayo, O'Bannon, Pope, Selby, Slaughter, Smith, Wood and Yancey—21.

NAYS—Messrs. C. Allan, Beaty, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, Lockett, M'Connell, Muldrow, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—17.

Ordered, That Messrs. Dudley and Pope inform the Governor thereof.

And then the Senate adjourned.

FRIDAY, JANUARY 5, 1827.

The Senate assembled.

Mr. J. Allen presented the petition of sundry citizens, praying that a law may pass establishing a Ware House on Green river, on the lands of Price Roach.

Mr. Andrew S. Hughes presented the petition of sundry citizens of the town of Carlisle, praying that a law may pass, vest-

ing the proprietors of lots on a street in said town, with the title to a part of said street.

Which were severally received, read and referred; the former to the committee of propositions and grievances, and the latter to the committee for courts of justice.

Mr. J. Hughes from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act to authorize certain counties to lay their county levy and for other purposes, reported the same with an amendment;

Which was twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with:

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. J. Hughes inform the House of Representatives thereof, and request their concurrence in the said amendment.

Mr. Slaughter from the select committee appointed for that purpose, reported a bill to authorize the clerk of Logan county court, to have rebound, certain record books, and for other purposes.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Slaughter carry the said bill to the House of Representatives, and request their concurrence.

On the motion of Mr. Hickman, leave was given to bring in a bill concerning conveyances, and Messrs. Hickman, Mayo, C. Allen and Daveiss were appointed a committee to prepare and bring in the same.

Mr. Cockerill moved the following resolution, to-wit:

Resolved, That every Monday and Wednesday, during the present session, be devoted exclusively to local and individual business.

Which was twice read and laid on the table.

Mr. Yancey, from the joint committee of enrolments, reported that the committee had examined an enrolled bill, entitled, an act for the benefit of the judge of the 13th judicial district, and had found the same truly enrolled.

A message was received from the House of Representatives announcing that their Speaker had signed the said bill.

Whereupon the Speaker of the Senate signed the same, and it

was delivered to the joint committee to be laid before the Governor.

After a short time Mr. Yancey reported, that the committee had performed that duty.

Bills from the House of Representatives of the following titles, to-wit:

1. An act for the benefit of certain sheriffs of this Commonwealth.

2. An act to authorize the appointment of additional justices of the peace and constables in certain counties.

3. An act to declare little Barren navigable.

4. An act for the benefit of the devisees of John Evans deceased.

5. An act to add a part of the county of Harrison to the county of Grant.

6. An act to annex part of Warren to Barren county.

7. An act for the benefit of Thomas Cull late sheriff of Washington county.

8. An act for the benefit of John Bellamy and Samuel Johnson and others.

9. An act to establish certain election precincts; and,

10. An act for the benefit of William Jackson, Asahel Carl, Samuel Carrol and George Kelly.

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with; the first was committed to a select committee of Messrs. Beaty, Mayo and Carneal; the second to Messrs. Daveiss, A. S. Hughes and Selby; the fourth to the committee for courts of justice; the sixth to the committee of propositions and grievances; the seventh to a select committee of Messrs. Carneal, Daveiss and Pope; the ninth to a select committee of Messrs. Selby, Crutcher, Daniel and Green; third, fifth, eighth and tenth were ordered to be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the third, fifth, eighth and tenth bills having been dispensed with:

Resolved, That the said bills do pass and that the titles thereof be as aforesaid.

Ordered, That Mr. Cockerill inform the House of Representatives thereof.

The yeas and nays being required on the passage of the third bill by Messrs. Mc'Connell and Yancey, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Faulkner, Gibson, Green, Garrard, Given, A. S. Hughes, J. Hughes,

Locker, Lockett, Mayo, O'Bannon, Selby, Slaughter, Smith, Stephens, Ward, White, M. H. Wickliffe, Wood and Yancey—30.

NAYS—Messrs. C. Allan and McConnell—2.

The yeas and nays being required on the passage of the tenth bill by Messrs. Beaty and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Dudley, Faulkner, Green, Garrard, Given, A. S. Hughes, J. Hughes, Locker, Lockett, Mayo, McConnell, Muldrow, O'Bannon, Selby, Slaughter, Smith, Stephens, White, Wood and Yancey—31.

Engrossed bills of the following titles:

An act to reduce the price of the vacant land between Walker's line and the latitude $36^{\circ} 30'$ north, and east of the Cumberland river; and,

An act for the benefit of John M'Laughlin, were severally read the third time.

Resolved, That the said bills do pass and that the title of the former be, an act to reduce the price of the vacant land between Walker's line and the latitude $36^{\circ} 30'$ north, and east of the Tennessee river; and that the title of the latter be as aforesaid.

Ordered, That Mr. Beaty carry the former, and Mr. Given the latter bill, to the House of Representatives and request their concurrence.

The yeas and nays being required on the passage of the latter bill by Messrs. Lockett and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Cockerill, Cunningham, Daniel, Daveiss, Dudley, Garrard, Given, J. Hughes, Locker, O'Bannon, Selby, Slaughter, Wood and Yancey—18.

NAYS—Messrs. C. Allan, Carneal, Crutcher, Faulkner, Gibson, Green, Hickman, Lockett, Mayo, McConnell, Smith, Stephens, White and M. H. Wickliffe—14.

Bills of the following titles, to-wit:

1. A bill to establish an election precinct in the county of Wayne.

2. A bill for opening a road from Cynthiana to Maysville.

3. A bill for the benefit of Margaret A. Tracy; and,

4. A bill for the divorce of John and Catharine Cochran and others.

Were severally read the second time; the second bill was committed to a select committee of Messrs. Hughes, McConnell, Barrett and Daveiss.

Resolved, That the first, third and fourth bills be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision,

and third reading of the said bills having been dispensed with, and the same being engrossed.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Beaty carry the said bills to the House of Representatives, and request their concurrence.

The yeas and nays being required on the passage of the fourth bill, by Messrs. Gibson and Garrard, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, Beaty, Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Dudley, Garrard, Given, A. S. Hughes, J. Hughes, Locker, Lockett, O'Bannon, Slaughter, Smith, Stephens, White and Yancey—20.

NAYS—Messrs. C. Allan, J. Allen, Barrett, Carneal, Faulkner, Gibson, Green, Hickman, Mayo, M'Connell, Selby, M. H. Wickliffe and Wood—13.

A bill to amend the law abolishing imprisonment for debt, was read the second time, as follows, to-wit:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the first, third and fourth sections of an act entitled, an act to abolish imprisonment for debt, and subjecting equitable titles to execution, approved 1821, be, and the same are hereby repealed; and that all laws repealed by the aforesaid sections, are hereby revived and re-enacted, except so far as is herein otherwise provided.

Sec. 2. *Be it further enacted*, That no *capias ad satisfaciendum* shall be issued against any defendant or defendants, until after a *feri facias* shall have been first issued to the proper county, and returned in substance, 'no property found,' or sufficient property not found to satisfy this execution.

Sec. 3. *Be it further enacted*, That it shall and may be lawful for any debtor or debtors, against whom a judgment or judgments have been rendered, on which a writ or writs of *feri facias* have been issued, and placed in the hands of a sheriff or other officer, to subscribe and deliver a schedule of his whole estate, and take the oath of an insolvent debtor, in the same manner, and subject to the same rules and regulations as are provided, where debtors are taken or charged in execution; and on said schedule being filed with the clerk, in pursuance of the laws hereby revived, no writ of *capias ad satisfaciendum* shall be issued against any such defendant or defendants, on any judgment rendered previous thereto: But if there be two or more defendants, and a part of them shall fail to deliver a schedule, a *capias ad satisfaciendum* may be issued against said defendants, and the clerk shall endorse thereon that it is not to be executed on such defendant, who has delivered his schedule as aforesaid.

Mr. M'Connell moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Yancey and Carneal, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cunningham, Daveiss, Dudley, Green, Given, Locker, Mayo, McConnell, Muldrow, Pope, Slaughter, Smith and M. H. Wickliffe—19.

NAYS—Messrs. Cockerill, Crutcher, Daniel, Faulkner, Gibson, Garrard, Hickman, A. S. Hughes, Lockett, O'Bannon, Selby, Stephens, Ward, White, Woods, Wood and Yancey—17.

Messages were received from the House of Representatives, announcing the passage of bills, by that body, of the following titles, to-wit:

An act for the benefit of James Williamson, Sally Reynolds, and others.

An act for the benefit of the representatives and securities of John Hackworth deceased; and,

An act to establish certain inspections of Tobacco, Hemp and Flour, in Pendleton county.

And then the Senate adjourned.

SATURDAY, JANUARY 6, 1827.

The Senate assembled.

Mr. James Allen from the Committee of propositions and grievances, to whom was referred, a bill from the House of Representatives, entitled, "an act to annex part of Warren to Barren county, reported the same without amendment.

And the question being taken on reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cockerill and Yancey, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Crutcher, Cunningham, Daniel, Faulkner, Green, Garrard, Given, Hickman, Locker, Lockett, Mayo, Muldrow, O'Bannon, Slaughter, Smith, Stephens, Wood and Yancey—21.

NAYS—Messrs. C. Allan, Beaty, Carneal, Cockerill, J. Hughes, McConnell, Selby, Ward, White and M. H. Wickliffe—10.

A message from the House of Representatives by Mr. Haskin.

Mr. Speaker—The House of Representatives concur in the amendments proposed by the Senate, to bills from that house, entitled, "an act for the benefit of the Deaf and Dumb Asylum at Danville;" and "an act authorizing the trustees of the Washington Academy to sell their lands."

And then he withdrew.

Mr. J. Allen from the committee of propositions and grievances, made the following report, to-wit:

The committee of propositions and grievances have, according to order, had under consideration, sundry petitions to them referred, and have come to the following resolutions thereon, to-wit:

Resolved, That the petition of sundry citizens of Green county, praying that a law may pass establishing a Ware House on the land of Price Roach, on the north side of Green river, *is reasonable*.

Resolved, That the petition of the members of Russellville Lodge No. 17, praying that a law may pass authorizing them to raise by *Lottery* \$6,000, for the purpose of finishing a house, which they have commenced, *is reasonable*.

Resolved, That the petition of sundry citizens of Hardin county, praying for the erection of a new county out of parts of Hardin, Green, Nelson and Washington, *be rejected*.

Which was twice read and concurred in.

The yeas and nays being required on concurring in the second resolution, by Messrs. Green and Given, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Crutcher, Cunningham, Daveiss, Given, A. S. Hughes, J. Hughes, Locker, McConnell, O'Bannon, Pope, Selby, Slaughter, Ward, White and Yancey—20.

NAYS—Messrs. Cockerill, Daniel, Faulkner, Green, Garrard, Hickman, Lockett, Mayo, Smith, Stephens, M. H. Wickliffe and Wood—12.

Ordered, That the committee of propositions and grievances prepare and bring in bills pursuant to the first and second resolutions.

Mr. Green presented the petition of William Shipley, praying that a law may pass authorizing the sale of a tract of land in Lincoln county, owned by the infant heirs of Isabella Shipley, deceased.

Which was received, read and referred to the committee for courts of justice.

Mr. C. H. Allen from the committee for courts of justice, to whom was referred, a bill from the House of Representatives, entitled, "an act for the benefit of the devisees of John Evans, deceased," made the following report, to-wit:

Resolved, That the said bill be *disagreed to*.

Which was twice read and concurred in.

Ordered, That Mr. C. H. Allen inform the House of Representatives thereof.

Mr. C. H. Allen from the same committee, to whom was referred, a bill to repeal the laws authorizing the valuation of property taken under execution; reported the same without amendment.

The said bill was laid on the table.

Mr. Smith from the committee of religion, made the following report, to-wit:

The committee of religion have according to order had under consideration, sundry petitions to them referred, and have come to the following resolutions thereon.

Resolved, That the petition of Nancy Lacewell, praying that a law may pass, divorcing her from her husband, Moses Lacewell, *be rejected*.

Resolved, That the petition of Richard Hunt, and Winefred Hunt, his wife, praying that a law may pass, divorcing them and annulling their marriage, *be rejected*.

Which was twice read and concurred in.

The report of the committee on that part of the Governor's message which relates to the constitution of the United States and suggests the propriety of certain amendments thereto, was again taken up.

Mr. Slaughter moved an amendment thereto.

Ordered, That the said report and amendment be committed to the committee of the whole house for Wednesday next.

Mr. Dudley from the joint committee of enrollments reported, that the committee had examined enrolled bills of the following titles, to-wit:

An act for the benefit of William Jackson, Asahel Carl, Samuel Carroll and George Kelly.

An act to add a part of the county of Harrison to the county of Grant.

An act to re-establish Todd's warehouse, in Louisville.

An act to declare little Barren navigable.

An act, for the benefit of John Bellamy and Samuel Johnson.

And an act authorizing the trustees of Washington, Hardin and Clay Academies to sell their lands.

And had found the same truly enrolled.

A message was received from the House of Representatives, announcing that their Speaker had signed the said bills.

Whereupon the Speaker of the Senate signed the same, and they were delivered to the joint committee to be laid before the Governor.

After some time Mr. Dudley reported that the committee had performed that duty.

Mr. Selby from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act to abolish certain election precincts, reported the same without amendment.

Ordered, That the said bill be laid on the table.

Mr. Daveiss from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act to authorize the appointment of additional justices of the peace and

constables in certain counties, reported the same with amendments;

Which were twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Daveiss inform the House of Representatives thereof and request their concurrence in the said amendments.

Mr. Beaty from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act for the benefit of certain sheriffs of this Commonwealth," reported the same without amendment.

Ordered, That the said bill be read a third time.

Mr. Pope from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act for the benefit of Thomas Cull, late sheriff of Washington county; reported the same without amendment.

Ordered, That the said bill be read a third time.

Mr. M'Connell from the select committee to whom was referred, a bill to alter the time of holding certain county and circuit courts; reported the same with amendments;

Which were twice read and concurred in.

Ordered, That the said bill be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. M'Connell carry the said bill to the House of Representatives, and request their concurrence.

Mr. Daveiss from the select committee to whom was referred, a bill for opening a road from Cynthiana to Maysville; reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Barrett carry the said bill to the House of Representatives, and request their concurrence.

Messages were received from the House of Representatives, announcing the passage of bills by that body, of the following titles:

An act to alter the mode of taking in lists of taxable property.

An act to enable Elizabeth Hall, executrix, and Nimrod Greenwood, executor, of William Hall, deceased, to carry into effect the provisions of said decedent's will.

An act for the benefit of Edmund M. Waggener and John Croghan.

An act for the divorce of Thomas Boyd and Catharine Ballard.

And that they have concurred in the amendments proposed by the Senate, to a bill entitled,

An act to authorize certain counties to lay their county levy, and for other purposes.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. C. H. Allen—1. A bill for the benefit of James Ramey and others. 2. A bill concerning the town of Carlisle.

By Mr. Hickman—3. A bill concerning conveyances. And

By Mr. J. Allen—4. A bill to establish a warehouse on the land of Price Roach, on Green river.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the first and third, and the second and third readings of the second and fourth bills having been dispensed with;

The first was committed to a select committee of Messrs. Mayo, Beaty and Garrard; and the third to the committee for courts of justice.

The second and fourth being engrossed;

Resolved, That the second and fourth bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. A. S. Hughes carry the said bills to the House of Representatives, and request their concurrence.

Mr. Yancey moved the following resolution, to-wit:

Resolved by the Senate, That the Governor be, and he is hereby requested to procure the artillery company of Frankfort, to fire a national salute on the public square, on the 8th inst, at twelve o'clock, in commemoration of our victory at New-Orleans, on January eight, one thousand eight hundred and fifteen.

Which being twice read, was adopted.

A bill from the House of Representatives, entitled, an act to erect and establish the county of Anderson, out of parts of the counties of Franklin, Washington and Mercer, was read the first time, and ordered to be read a second time.

And thereupon, the rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it

was committed to a select committee of Messrs. C. H. Allen, Dudley, Pope and Muldrow.

The message from the Governor, received on the 4th instant, was taken up and read as follows, to-wit:

Gentlemen of the Senate.

I nominate for your advice and consent, the following civil officers, who have received temporary appointments since the last session of the General Assembly, viz:

Elijah Cravens, Sheriff of Adair county, in place of William Patterson, resigned.

Enos Daniel, Sheriff of Pendleton county, in place of Jno. H. Barker, resigned.

John B. Lindsey, Sheriff of Campbell county, in place of Wm. Anderson, who failed to give security.

Richard Barbour, Sheriff of Oldham county, in place of Thomas Elley, who failed to qualify.

George Stockton, Sheriff of Fleming county, in place of Jno. M'Intyre, deceased.

Samuel Ireland, Sheriff of Henry county, in place of Samuel Ireland, who failed to give bond.

Richard Biddle, Sheriff of Bourbon county, in place of Richard Biddle, deceased.

Willie Hibbard, Sheriff of Clay county.

Joseph Alexander, Sheriff of Cumberland county, in place of William Taylor, resigned.

Clifton Hall, Sheriff of Bullitt county, to succeed William Caldwell, whose time is about to expire, the county court having failed to recommend at the proper term.

Jno. Bearden, Assistant Judge for Calloway county, in place of John Bearden, resigned.

Elisha Hardy, Assistant Judge for the same county, in place of Jesse Milliken, resigned.

John Milner, Assistant Judge for Hickman county, in place of Joseph Edrington, resigned.

Levi I. Smith, Notary Public in and for the county of Washington.

James Kay, Additional Inspector of Tobacco at Howard's warehouse, in Oldham county, in place of Jno. G. Anderson, resigned.

Edward Fitzpatrick, Additional Inspector of Tobacco, at Carter's warehouse, on Green river, in Green county.

Benjamin Hickman, Keeper of the State House and Public Square.

JOSEPH DESHA.

January 4, 1827.

Resolved, That the Senate advise and consent to the said appointments, except to those of Richard Biddle, sheriff of Bourbon county, in the place of Richard Biddle, deceased; Willie Hib-

bard, Sheriff of Clay county; and Benjamin Hickman, Keeper of the State house and Public Square.

The two former were laid on the table; and the latter was committed to a select committee of Messrs. Green, Dudley, Carneal, McConnell, Daveiss and Hickman.

Ordered, That Messrs. Faulkner and Dudley inform the Governor thereof.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Carneal—1. A bill concerning Sheriffs' returns upon executions. And

On the motion of Mr. A. S. Hughes—2. A bill for the benefit of the Nicholas Seminary, and to establish Wilson Seminary at the Lower Blue Licks.

Messrs. Carneal, Green and Daveiss, were appointed a committee to prepare and bring in the former; and Messrs. A. S. Hughes, Hickman, Ward and O'Bannon, the latter.

At half past two o'clock, P. M. Mr. Beaty moved that the Senate do now adjourn.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Dudley and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. Allan, Beaty, Carneal, Garrard, Hickman, Lockett, McConnell, O'Bannon, Slaughter, Ward and White—11.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Dudley, Faulkner, Green, Given, A. S. Hughes, J. Hughes, Locker, Mayo, Pope, Selby, Smith, M. H. Wickliffe, Wood and Yancey—22.

The message received from the Governor, on the 29th ultimo, was taken up and read as follows, viz:

Gentlemen of the Senate.

I nominate for your advice and consent, Henry Pirtle, Esq. to be commissioned Circuit Judge in and for this Commonwealth, to preside in the 5th Judicial District, in place of the honorable John P. Oldham, resigned.

JOS. DESHA.

Dec. 29, 1826.

Resolved, That the Senate advise and consent to the said appointment.

Ordered, That Messrs. Faulkner and Dudley inform the Governor thereof.

On motion,

Ordered, That leave be given to withdraw the petition of Samuel D. Waltman.

The resolutions offered by Mr. Crutcher on the 10th of December, were taken up and committed to a select committee of Messrs. Crutcher, C. Allan, Daveiss and Green.

And then the Senate adjourned.

MONDAY, JANUARY 8, 1827.

The Senate assembled.

Mr. C. Allan presented the petition of Hay Battaile and others, praying that a law may pass authorizing the sale of certain slaves, which have been conveyed by said Battaile to trustees, and that the proceeds of the sale be applied to the payment of his debts.

And Mr. Andrew S. Hughes presented the petition of the trustees and citizens of Germantown, praying that a law may pass, authorizing the trustees to have the side walks paved, on the main street in said town.

Which were received, read and referred; the former to a select committee of Messrs. C. Allan, Daveiss, Daniel, Dudley and M'Connell; and the latter to a select committee of Messrs. A. S. Hughes, Barrett, Carneal and Mayo.

The petition of sundry citizens of the counties of Cumberland, Russell and Wayne, praying for the formation of a new county out of parts of each of said counties, was taken up.

Mr. Wood presented a petition counter thereto.

They were severally referred to the committee of propositions and grievances.

Mr. Crutcher from the select committee to whom was referred, the resolutions offered by him in relation to a general execution law, reported the same with an amendment:

Which was twice read, and the said resolutions and amendment were laid on the table.

Mr. Beaty from the select committee to whom was referred, a bill for the benefit of James Ramey, and others; reported the same without amendment.

On the motion of Mr. Beaty—*Ordered*, That the said bill be laid on the table until the first day of June next.

Mr. Andrew S. Hughes from the select committee appointed for that purpose, reported a bill concerning the town of German-town;

Which was read the first time and ordered to be read a second time.

Mr. M'Connell moved the following resolution, to-wit:

Resolved, That a committee of nine members of the Senate be raised, whose duty it shall be, during the ensuing vacation of the legislature, to revise the execution laws of this state, and make report to the Senate at the next annual meeting of the legislature, and at an early day thereof, their views of the same and any alterations therein, or amendments thereto, which by such committee, may be deemed important or necessary.

Which was twice read and adopted, and Messrs. M'Connell, C. Allan, Hickman, Pope, Daveiss, Green, Yancey, J. Allen and Crutcher, were appointed a committee pursuant thereto.

Mr. C. H. Allen read and laid on the table the following resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That it is expedient to suspend the calls on the debtors to the Bank of the Commonwealth, until the next session of the General Assembly.

And then the Senate adjourned.

TUESDAY, JANUARY 9, 1827.

The Senate assembled.

Mr. Beaty from the select committee to whom was referred, a bill to appropriate certain lots in Danyille, which have escheated to this Commonwealth, reported the same with amendments.

Which was twice read, and the said bill and amendments were laid on the table.

Mr. M. H. Wickliffe moved the following resolution, to-wit:

Resolved, That the committee for courts of justice be instructed to enquire into the expediency and practicability of altering, by law, the manner of discharging claims against this Commonwealth, so that each county shall be accountable for such claims as shall accrue within their respective limits, and that they have leave to report by bill or otherwise.

Mr. Carneal moved to lay the said resolution on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Carneal and Cockerill, were as follows, to-wit:

YEAS—Messrs. Barrett, Carneal, Cockerill, Crutcher, Cunningham, Daniel, Given, J. Hughes, Locker, Lockett, Mayo, Mc'Connell, Muldrow, O'Bannon, Pope, Selby, Smith, Ward, White and Yancey—20.

NAYS—Messrs. C. H. Allen, J. Allen, Beaty, Daveiss, Faulkner, Stephens and M. H. Wickliffe—7.

A message from the Governor by Mr. Loughborough, assistant secretary.

Mr. Speaker—On the 5th inst. the Governor approved and signed enrolled bills, which originated in the Senate, entitled,

“An act authorizing the trustees of the town of Millersburg to sell part of the public ground in said town.”

“An act for the benefit of the judge of the 13th judicial district.”

And on the 8th inst. an act entitled, “an act to incorporate the Cumberland College at Princeton.”

And then he withdrew.

Ordered, That Mr. Yancey inform the House of Representatives thereof.

Mr. C. Allan moved the following resolution to-wit:

Resolved, That during the residue of the present session, there shall be, every day, a recess of one hour, commencing at 2 o'clock P. M. and the standing hour of adjournment shall be to 9 o'clock A. M.

Which was twice read and concurred in.

The Senate took up the resolution offered by Mr. C. Allan on the 16th of last month; which was amended to read as follows, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on _____ instant, they will adjourn without day.

Mr. Carneal moved to fill the said blank with "Saturday the 20th"

Mr. Crutcher moved to fill the said blank with "Thursday the 18th."

And Mr. M'Connell moved to fill the said blank with "Wednesday the 17th."

And the question being taken on the motion of Mr. Carneal, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'Connell and Carneal, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, Barrett, Beaty, Carneal, Daniel, Daveiss, Dudley, Given, A. S. Hughes, J. Hughes, Lockett, O'Bannon, Pope, Selby, Slaughter, Smith, Stephens, M. H. Wickliffe, Wood and Yancey—20.

NAYS—Messrs. C. Allan, J. Allen, Cockerill, Crutcher, Cunningham, Faulkner, Green, Garrard, Hickman, Locker, Mayo, M'Connell, Muldrow, Ward and White—15.

Mr. Dudley moved to lay the said resolution on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. C. Allan and Cockerill, were as follows, to-wit:

YEAS—Messrs. Barrett, Cunningham, Dudley, Given, Pope, Selby and M. H. Wickliffe—7.

NAYS—Messrs. C. Allan, C. H. Allen, J. Allen, Beaty, Carneal, Cockerill, Crutcher, Daniel, Daveiss, Faulkner, Green, Garrard, Hickman, A. S. Hughes, J. Hughes, Locker, Lockett, Mayo, M'Connell, Muldrow, O'Bannon, Slaughter, Smith, Stephens, Ward, White, R. Wickliffe, Wood and Yancey—29.

The said resolution was then adopted.

Ordered, That Mr. C. Allan carry the said resolution to the House of Representatives and request their concurrence.

The resolution fixing a day for the election of public officers, read and laid on the table by Mr. M'Connell on the 27th ult. was taken up, twice read and adopted, as follows, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will proceed, on Tuesday next, to elect all officers, which it may be the duty of this General Assembly to elect, preparatory to a final adjournment of the legislature.

Ordered, That Mr. C. Allan carry the said resolution to the House of Representatives, and request their concurrence.

Mr. Hickman moved to take up the joint resolution for burning the paper of the Bank of the Commonwealth of Kentucky.

Mr. Daveiss then moved that the Senate proceed to the consideration of the orders of the day.

And the question being taken on the motion of Mr. Daveiss, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hickman and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Cunningham, Daniel, Daveiss, Dudley, Given, A. S. Hughes, J. Hughes, Locker, Lockett, Mayo, O'Bannon, Pope, Selby, Smith, Ward, Wood and Yancey—23.

NAYS—Messrs. C. Allan, Crutcher, Faulkner, Green, Garrard, Hickman, M'Connell, Muldrow, Slaughter, White and M. H. Wickliffe—11.

Messages were received from the House of Representatives, announcing the passage of bills, by that body, of the following titles:

"An act providing for opening a state road from the turnpike between Georgetown and Cincinnati, to the Ohio river near Lawrenceburg, in the state of Indiana."

"An act to improve the navigation of Main Eagle creek."

"An act for the benefit of Wiley C. Williams, and others."

"An act to incorporate Jamestown, in Russell county, and for other purposes."

"An act to establish the Cumberland Hospital;" and,

"An act to regulate the duties of the freighters of produce."

And a bill from the Senate, entitled, an act to amend an act entitled, "an act to incorporate the trustees of the Augusta College;" with an amendment to the latter bill.

The Senate received from the Governor, by Mr. Loughborough, assistant secretary, a message in writing.

A bill to amend the law in relation to the relinquishment of dower, was taken up.

Mr. Faulkner moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. McConnell and Carneal, were as follows, to-wit:

YEAS—Messrs. C. Allan, J. Allen, Beaty, Carneal, Daveiss, Faulkner, Green, Garrard, A. S. Hughes, Selby, Slaughter, M. H. Wickliffe, R. Wickliffe and Yancey—14.

NAYS—Messrs. C. H. Allen, Barrett, Cockerill, Crutcher, Cunningham, Daniel, Dudley, Given, Hickman, J. Hughes, Locker, Lockett, Mayo, McConnell, Muldrow, O'Bannon, Pope, Smith, Stephens, White and Wood—21.

Ordered, That the said bill, as amended, be engrossed and read a third time on to-morrow.

A message from the House of Representatives, by Mr. Bainbridge:

Mr. Speaker—The House of Representatives have received official information, that the Governor, on the 6th instant, did approve and sign enrolled bills which originated in that house, of the following titles:

“An act to add a part of the county of Harrison to the county of Grant.”

“An act for the benefit of William Jackson, Asahel Carl, Samuel Carrol and George Kelly.”

“An act for the benefit of John Bellamy and Samuel Johnson, and others.”

“An act authorizing the trustees of the Washington, Hardin and Clay Academies to sell their lands.”

“An act to declare little Barren navigable.”

“An act to re-establish Todd's ware house in Louisville.”

And then he withdrew.

An engrossed bill, entitled, an act for the benefit of Lucy Thomas, was read a third time.

And the question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hickman and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, Barrett, Beaty, Crutcher, Cunningham, Daniel, Daveiss, Dudley, Garrard, Given, A. S. Hughes, J. Hughes, Locker, Lockett, Muldrow, O'Bannon, Pope, Selby, Slaughter, Smith, Stephens, White and Yancey—23.

NAYS—Messrs. C. Allan, J. Allen, Carneal, Cockerill, Faulkner, Green, Hickman, Mayo, McConnell, Ward, M. H. Wickliffe, R. Wickliffe and Wood—13.

Ordered, That Mr. Daveiss carry the said bill to the House of Representatives, and request their concurrence.

An engrossed bill entitled, an act for the benefit of Rebecca Huett, was read the third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Carneal, were as follows, to-wit:

YEAS—Messrs. Beaty, Crutcher, Cunningham, Daniel, Daveiss, Dudley, Given, A. S. Hughes, J. Hughes, Locker, Lockett, Muldrow, O'Bannon, Pope, Slaughter, Smith, Stephens, White and Yancey—19.

NAYS—Messrs. C. Allan, C. H. Allen, J. Allen, Carneal, Cockerill, Faulkner, Green, Garrard, Hickman, Mayo, McConnell, Selby, M. H. Wickliffe, R. Wickliffe and Wood—15.

Ordered, That Mr. A. S. Hughes carry the said bill to the House of Representatives, and request their concurrence.

A bill for the benefit of Catharine H. Bodley, late Catharine H. Sheill, one of the devisees of Hugh Sheill deceased, was read the second time as follows, to-wit:

Whereas, it is represented to the present General Assembly, that an entry was made with the surveyor of Fayette county, on the 9th day of May, 1785, on Treasury Warrant, No. 19611, in the name of Hugh Shiell for 9922 acres of land, joining William Payne's entry of 1406 1-4 acres &c which land lays on the waters of Little Sandy and Tygert's creek; that the said Hugh Sheill soon after making said entry, about the 19th day of August 1785, departed this life, having made and published his last will and testament, by which he devised his estate, to his wife Ann Sheill, and his daughter Catharine H. Sheill, who was then an infant, that the said Ann afterwards intermarried with Harry Innis, and the said Catharine H. intermarried with Thomas Bodley on the first day of January, 1804, before she attained the age of 21 years, that she has ever since been and now is, a feme covert; that the said Ann Innis, after the death of her last husband, on the 5th day of July, 1819, assigned and transferred all her right and title in and to the said entry, to her daughter the said Catharine H. Bodley; that the said devisees procured a survey of said land to be made, in two inclusive surveys, by the surveyor of Greenup county, and obtained the certificate of the surveyors of Greenup and Fayette that the said Warrant was not in their offices, and the surveyor of Bourbon county, upon application, certified that the said entry and warrant was withdrawn on the 16th day of May, 1788, which certificate of the surveyor of Bourbon, dated the day of June 1826, was the first intimation the said devisees had of such withdrawal; that the widow of the said Hugh Sheill, who was his only acting executrix, never did herself withdraw, or authorize any other person to withdraw, the said entry and warrant, and that the same never has been appropriated to the use or benefit of the heirs or devisees of said Hugh Sheill, deceased; and it is contended that the said entry vested in the said devisees, a right to the land, of which they could not be divested by the unauthorized act of any person what-

ever—the said entry being withdrawn after the death of the said Hugh Sheill, and his daughter and devisee having been a minor or feme covert ever since his death, no act of limitations can apply to the case; but the Register of the land office has refused to issue a patent on the survey made as aforesaid; For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the land office be, and he is hereby authorized and required to register the said two inclusive plats and surveys for 9922 acres of land, dated the day of 1826, and forthwith to issue a patent thereon, in the name of Catharine H. Bodley, late Catharine H. Sheill, devisee &c. of Hugh Sheill, deceased; which patent shall be as valid as if no such withdrawal as set forth, had taken place. *Provided however,* That this act shall not effect the legal acquired title, of any other person to said land.

Mr. M'Connell moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'Connell and R. Wickliffe, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Beaty, Cockerill, Crutcher, Daniel, Garrard, Hickman, J. Hughes, Locker, Mayo, M'Connell, O'Bannon, Pope, Selby, Slaughter, Smith, Stephens, White, Wood and Yancey—23.

NAYS—Messrs. Carneal, Daveiss, Dudley, Faulkner, Green, A. S. Hughes, Muldrow and R. Wickliffe—8.

A message from the House of Representatives by Mr. Walker of Adair.

Mr. Speaker—The House of Representatives concur in the amendments proposed by the Senate to a bill from that house, entitled, “an act to authorize the appointment of additional justices of the peace and constables in certain counties.”

And then he withdrew.

The following bills were severally read the second time, to-wit:

1. A bill for the benefit of the sheriff of Rockcastle county.
2. A bill to authorize Elizabeth Hall, executrix, and Nimrod Greenwood, executor of William Hall deceased, to carry into effect the provisions of said decedent's will.
3. A bill to punish trespassers.
4. A bill for the benefit of Thomas Skaggs; and,
5. A bill for the benefit of Elijah Combs.

The second bill was laid on the table; the third was committed to a select committee of Messrs. Green, Daveiss, Pope, Faulkner and Carneal; the first, fourth and fifth were ordered to be engrossed and read a third time, the first and fifth on to-morrow.

And thereupon the rule of the Senate, constitutional provision, and third readings of the fourth bill having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. J. Allen carry the said bill to the House of Representatives, and request their concurrence.

Mr. Yancey from the joint committee of enrollments reported, that the committee had examined an enrolled bill, entitled, an act for the benefit of the Deaf and Dumb Asylum at Danville, and had found the same truly enrolled.

A message was received from the House of Representatives, announcing that their Speaker had signed the said bill.

Whereupon the Speaker of the Senate signed the same, and it was delivered to the joint committee to be laid before the Governor.

After a short time Mr. Yancey reported that the committee had performed that duty.

An engrossed bill entitled, an act further to regulate the sale of land west of the Tennessee river, was read the third time and the blanks therein filled.

And the question being taken on the passage of the said bill it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Carneal and Given, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Beaty, Cockerill, Crutcher, Daniel, Daveiss, Dudley, Green, Given, Hickman, J. Hughes, Locker, M'Connell, Muldrow, O'Bannon, Selby, Slaughter, Stephens, White, Wood and Yancey—24.

NAYS—Messrs. Carneal, Faulkner, Mayo, Smith and Ward—5.

Resolved, That the title thereof be as aforesaid.

Ordered, That Mr. Given carry the said bill to the House of Representatives, and request their concurrence.

A bill from the House of Representatives entitled, "an act to add a part of the county of Caldwell to the county of Trigg; was read a second time and ordered to be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Locker inform the House of Representatives thereof.

Bills from the House of Representatives of the following titles, to-wit:

1. "An act to establish election precincts in certain counties."
2. "An act for the benefit of Jemima Duncan and children."

3. "An act to allow an additional justice of the peace for Henry county."
4. "An act to provide for running the lines of Edmonson county."
5. "An act for the benefit of Elijah Adkins and Richard Tidings."
6. "An act for the benefit of the infant children of James Johnson deceased."
7. "An act for the benefit of the surveyor of Pike county."
8. "An act for the benefit of James Kash and William Trimble."
9. "An act for the benefit of James Rouse."
10. "An act for the benefit of the devisees of Hugh Emerson deceased;" and,
11. "An act to render certain offices incompatible;"

Were severally read the first time and ordered to be read a second time, except the second bill.

And the question being taken on reading the second bill a second time, it was decided in the negative.

And so the said bill was disagreed to.

Ordered, That Mr. O'Bannon inform the House of Representatives thereof.

And thereupon the rule of the Senate, constitutional provision, and second readings of the first, sixth and eleventh bills, and the second and third readings of the third, fourth, fifth and eighth bills having been dispensed with; the first was committed to a select committee of Messrs. Garrard, A. S. Hughes, R. Wickliffe, McConnell and Cunningham; the sixth to the committee for courts of justice, and the eleventh to a select committee of Messrs. Daviess, Carneal, Crutcher and R. Wickliffe—the third bill having been amended;

Resolved, That the third, fourth, fifth and eighth bills do pass and that the titles thereof be as aforesaid.

Ordered, That Mr. C. H. Allen inform the House of Representatives thereof, and request their concurrence in the said amendment to the third bill.

Mr. Dudley from the joint committee of enrollments reported, that the committee had examined enrolled bills of the following titles, to-wit:

An act to authorize the stockholders of the bank of Limestone to elect an agent or commissioner.

And an act to authorize certain counties to lay their county levies, and for other purposes.

And had found the same truly enrolled.

A bill from the House of Representatives, entitled, "an act allowing additional justices of the peace to certain counties in this Commonwealth," was read the third time;

Resolved, That the said bill as amended do pass and that the title be amended to read, an act allowing additional justices of the peace and constables to certain counties in this Commonwealth.

Ordered, That Mr. Selby carry the said bill to the House of Representatives, and request their concurrence in the said amendments.

At 5 o'clock P. M. Mr. Garrard moved that the Senate do now adjourn.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Beaty and Carneal, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Carneal, Crutcher, Cunningham, Green, Garrard, Locker, Lockett, Muldrow, O'Bannon, Selby, Stephens, Ward, White, M. H. Wickliffe, Wood and Yancey—20.

NAYS—Messrs. Beaty, Cockerill, Daniel, Dudley, Faulkner, Hickman, A. S. Hughes, J. Hughes, Mayo, M'Connell, Pope, Slaughter, Smith and R. Wickliffe—14.

WEDNESDAY, JANUARY 10, 1827.

The Senate assembled.

The Speaker laid before the Senate the annual report of the Louisville and Portland Canal Company;

Which was read as follows, to-wit:

OFFICE OF THE LOUISVILLE AND PORTLAND CANAL COMPANY.

January 8, 1827.

SIR—In conformity to the requisitions contained in the 11th section of the act incorporating the Louisville and Portland Canal Company, I am directed to transmit to you the annual report of the corporation, to be laid before the General Assembly of the state of Kentucky.

Most respectfully, your obedient servant,

SIMEON S. GOODWIN, *Secretary,*
Lou. and Prot. Ca. Com.

Hon. ROBERT B. M'ATEE, *Speaker of the Senate.*

Second annual report of the President and Directors of the Louisville and Portland Canal Company.

In conformity to the charter and by-laws, the President and Directors of the Louisville and Portland Canal Company, present to the stockholders a report of the proceedings of the board, and progress of the work during the past year.

By reference to the last report, it will be seen that an enquiry had been made by the Secretary of the War Department, as to the terms, on which waterpower and a site for an Armory would be furnished to the United States by the Company; after some correspondence by the board with the Department, on the subject, it was deemed expedient to send an agent to Washington City to treat with the government, and if possible to agree on terms satisfactory to both. John Shackford, Esq. at that time a member of the board, was accordingly deputed on that business. He repaired immediately to the seat of government, but was unsuccessful in the object of his mission, the government having suspended the location of that work to a future period.

During the last session of Congress an act was passed authorizing the Secretary of the Treasury of the United States, to subscribe for or purchase one thousand shares of the capital stock of this Company, in conformity to which the Secretary caused the purchase of that number of shares to be made, for which a certificate has been issued in the name of the United States, and on which the several instalments have been paid as called.

It will be noticed, that the first instalment of ten dollars on each share, was called for on the 26th of December, 1825, payable on the 15th of March following; on the 4th of April the second instalment of ten dollars on each share was called for, payable on the 20th of June; and on the 12th of August the third instalment was called for of the same amount, payable on the 1st of November, and notice was then given that all shares, on which this, with all previous instalments, should not be paid on that day, would be forfeited to the Company.

The amount received on the stock is as follows, viz:

On 1,630 shares, which under the foregoing notice have been forfeited to the company—one dollar only according to the terms of the original subscription having been paid on each—is	\$1,630 00
10 shares on which twenty dollars had been paid, belonging to the estate of a deceased person, on which administration had not been taken in time to make the payment of the third installment	200 00
4,360 shares on which thirty dollars have been paid on each, being the full amount of the instalments called	130,800 00
<hr/> 6,000 shares.	<hr/> \$132,630 00

By the Treasurer's account, it will be seen that he has paid the orders of the board, amounting to \$84,615 14

And that there is now in deposit in the branch of the bank of the United States in Louisville, to the credit of the Louisville and Portland Canal Company, the sum of

48,014 86

\$132,630 00

The orders drawn by the board have been for the following objects, viz:

Payments made for land for the site of the Canal \$10,946 24

Payments made weekly to contractors on account of constructing the Canal 66,223 56

Incidental expenses paid in organizing the Company, to surveyors, agents, salaries, the members of the board for attendance, printers, office charges, and Treasurer's commissions, up to this day 5,595 34

Payments to David S. Bates, engineer, on account of his salary 1,850 00

\$84,615 14

No steps have been taken by the board to dispose of the sixteen hundred and thirty shares of stock that have been forfeited, and now the property of the Company. The four thousand three hundred and seventy shares, being sufficient, when fully paid up, to complete the Canal, it is left for the stockholders, or a future board, to retain or dispose of the forfeited stock as may hereafter be deemed advisable.

It having been found, that the possession of the small piece of land at the lower end of the Canal, belonging to M'Ilvaine & Co. was indispensably necessary to the progress of the work, propositions were made to purchase it, but without effect, and the verdict of a jury under the provisions of the charter was resorted to; the land was estimated by them at \$2,024 99-100, which sum was accordingly paid by the Company, and the title to the property vested in them.

Immediately after the contract for the construction of the Canal was entered into, the contractors proceeded to make arrangements for commencing the work, and on the 1st day of March some of them appeared on the ground, but at that time an unusual high freshet had overflowed the banks of the river, and their operations were impeded for several weeks; on the receding of the water they commenced the excavation of earth, with a force however, by no means satisfactory to the board, but with the daily expectation and promise of an increase. In the month of July their estimated force was from six hundred to seven hundred men, which gradually increased to the last of September, when

it amounted to one thousand and sixty-two men, since which time it has varied almost weekly, and from the commencement of cold weather has decreased, according to the return of the resident Engineer of 30th December, to six hundred and ten men.

Notwithstanding the difficulties that the contractors have labored under in procuring men, the whole work performed during the past season presents the following results, viz:—483,134 cubic yards of earth have been excavated, out of 633,358 yards, the estimated quantity; 5,694 cubic yards of common rock have been excavated, out of 111,000 yards, the estimated quantity; and 4,445 cubic yards of rock have been excavated in lockpits, out of 20,000, the estimated quantity.

A quarry of freestone of superior quality has been obtained a short distance below the Canal on the bank of the Ohio, and the contractors have had a number of men employed in dressing out stone for the locks, and the quantity already prepared is sufficient for two of the locks, in the building of which we are assured no delay will take place as soon as the state of the water and the necessary excavation will permit.

Water lime of the best kind for cement is found in the lower lockpit, forming one of the strata of rock which is now excavating, and kilns are already built contiguous for burning and preparing a sufficient quantity for all the purposes of the Canal.

As a general result the board are able to state, that no material difficulty or obstacle has presented itself, that an abundant supply of materials are and can be easily and cheaply obtained—the men employed on this Canal have enjoyed as good health, as any equal number of laborers in any part of the Union—and we are assured by the contractors, that if the approaching season should be favorable, the work will be completed within the time limited in the contract. We can with more confidence rely on this assurance, as much of the work performed during the past summer, has been of a preparatory nature, and as the Company hold in their hands one-fourth part of the estimated value of all the work done, it is hoped that this of itself will operate as a sufficient guarantee that every practicable effort will be made by the contractors to complete the work by the specified time.

EDWARD SHIPPEN, *President.*

N. BERTHOUD,

JAMES HUGHES,

ISAAC THOM.

} *Directors.*

Office of the Louisville and Portland Canal Company, Jan. 1, 1827.

At a meeting of the Stockholders of the Louisville and Portland Canal Company, at their office in Louisville, Ky. January 1st, 1827, the Report of the President and Directors was received, ordered to be recorded, and one hundred and fifty copies directed to be printed and transmitted to the Stockholders.

The following persons were then elected President and Directors for the present year.

EDWARD SHIPPEN, President.

NICHOLAS BERTHOUD,

ISAAC THOM,

JAMES HUGHES,

JOHN P. FOOT.

} Directors.

COLEMAN ROGERS, *Chairman,*

(Extract from the Minutes.)

SIMEON S. GOODWIN, *Secretary.*

Mr. Given presented the petition of sundry citizens of Christian county, praying a suspension of the calls on debtors to the Bank of the Commonwealth of Kentucky;

Which was received, read and referred to the committee of propositions and grievances.

A message was received from the House of Representatives, announcing that their Speaker had signed the enrolled bills reported by Mr. Dudley on yesterday.

Whereupon the Speaker of the Senate signed the same, and they were delivered to the joint committee to be laid before the Governor.

After a short time Mr. Dudley reported, that the committee had performed that duty.

A message in writing was received from the Governor, by Mr. Loughborough, assistant secretary.

Mr. Garrard from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act to establish election precincts in certain counties, reported the same with amendments;

Which were twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with:

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Garrard inform the House of Representatives thereof and request their concurrence in the said amendments.

Mr. Green from the select committee to whom was referred, a bill to punish trespassers, reported the same with an amendment.

Which being twice read was concurred in.

Ordered, That the said bill be engrossed and read a third time on to-morrow.

Mr. Green from the select committee to whom was referred, the nomination of Benjamin Hickman as keeper of the State House and public square; made the following report, to-wit:

Before the Senate determines on the propriety of advising and consenting to the appointment of Benjamin Hickman, to be keeper of the state house and public square, they should be satisfied that such office now exists; and that a vacancy has occurred which it is the right of the Governor, by the advice and consent of the Senate to fill. The right to exercise the appointing power in this instance, is claimed by the Governor, under an act of the General Assembly, entitled, "an act to provide for the appointment of a keeper to the state house and public square." approved February 10, 1816. That act authorizes the Governor, when the situation of the state house requires it, to appoint a fit person as keeper of the state house and public square. Under the act a keeper was appointed by the acting Governor, and the duties enjoined discharged by the keeper so appointed, until the passage of an act entitled, "an act for the appropriation of money," approved, February 10, 1819; the fourth section of which is as follows: "*Be it further enacted*, That the Treasurer is hereby appointed keeper of the public square and all that appertains thereto, to prevent any trespass from being committed thereon."— Since that time, the Treasurer for the time being, has performed the duties of keeper of the state house and public square, and his authority to do so under said last named act has been recognized by three successive administrations. The present executive has made to the late Treasurer, allowances for his services as keeper of the public property—nor were the rights of that officer, under the act of 1819 called in question, until the spring of last year, when the present nominee, being tipstaff of the court appointed in pursuance of the act of 1824, called the reorganizing act, got possession of the key of the Senate chamber; and claiming to be the keeper of the public square, under a commission of the Governor, held the house for some time for the use of said court. With this exception the present Treasurer has remained in the uninterrupted exercise of his duties in relation to the public square.

Whatever incongruity may be supposed to exist between the title of the act of 1819, and the section above quoted, the intent and meaning of the legislature, cannot for a moment, be doubted. By that section the office of keeper is abolished, and the duties enjoined on the keeper by the act of 1816, are transferred and attached to the office of Treasurer. It was so understood by acting Governor Slaughter, and Governor Adair—and by Governor Desha, until after the present Treasurer came into office, and will admit of no other construction.

A notion seems lately to have been entertained by some, that the act of 1819 interferes with the constitutional prerogative of the Governor, by taking from him his constitutional power of filling the office. To this it may be replied that his Excellency has

on more than one occasion, sanctioned similar provisions in other laws. By the act further to regulate the Penitentiary, approved, January 1825, it is provided "that from and after the first day of February next, Joel Scott, of Scott county, be, and he is hereby appointed keeper and agent of the Penitentiary," &c. and by another act of the same session, which was also approved by Gov. Desha, it is provided, "that Col. Richard Taylor is hereby appointed tipstaff, &c." But without relying on the authority of the Governor, or undertaking to draw the line of distinction between mere agencies of this character, which the legislature have been in the habit of filling by legislative enactments or (as in the case of President of the Bank of the Commonwealth,) by a joint vote of both houses, and those *offices* to which the Chief Magistrate has the exclusive right to nominate; it cannot be doubted that the legislature have the power to abolish any office created by law, and transfer the duties of it to any other office which is not in its nature incompatible. There is nothing incompatible between the duties of taking care of the public money and other public property—and in this instance there seems to be a peculiar fitness in the union of those duties in one office.

In the message containing the Governor's objections to a joint resolution passed at the close of last session, directing the Treasurer to superintend and take care of the capitol grounds and the fence and buildings thereon, during the recess of the legislature, the Senate are informed that the act of 1816 is still unrepealed. It is readily conceded that some of the provisions of that act remain in force; but your committee are satisfied that so much of the law as authorizes the Governor to appoint a keeper and remove him at pleasure, is repealed.

In order to repeal an existing law, it is not indispensable to insert a repealing clause, in the subsequent enactment. But any provision which is inconsistent with the former law has the effect to change the rule of action prescribed in such law—and in that way operates the repeal of such law, so far as it is inconsistent with the last expression of legislative will, as effectually as if it were done by a repealing clause. These principles are strictly applicable to the law in question. The act of 1819 provides that the Treasurer, who is elected annually by the General Assembly, shall be keeper of the state house and public square, and in this way operates a repeal of so much of the act of 1816 as creates a distinct office, to be filled and held at the pleasure of the Governor.

Your committee therefore, recommend the adoption of the following resolution.

Resolved by the Senate, That they do not advise and consent to the nomination of Benjamin Hickman to be keeper of the state house and public square.

The said report was laid on the table.

Mr. C. H. Allen from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act to erect and establish the county of Anderson out of parts of the counties of Franklin, Washington and Mercer," reported the same with amendments;

Which were twice read and concurred in;

Ordered, That the said bill, as amended, be read a third time on to-morrow.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. J. Allen—1. A bill to authorize a lottery for the benefit of Lodge No. 17, in Russellville.

By Mr. C. Allan—2. A bill for the benefit of Hay Battaile and others.

By Mr. Carneal—3. A bill concerning sheriffs' returns upon executions.

And by Mr. A. S. Hughes—4. A bill for the benefit of Nicholas Seminary and to establish Wilson Seminary at the Lower Blue Licks.

Which bills were severally received and read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the third and fourth bills having been dispensed with, the said bills were committed to the committee for courts of justice.

And the second and third readings of the second bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. C. Allan carry the said bill to the House of Representatives, and request their concurrence.

Messages were received from the House of Representatives, announcing the passage of bills, by that body, of the following titles:

"An act to authorize the sale of part of the public ground in the town of Perryville, by commissioners."

"An act to add a part of Preston's enlargement to the town of Louisville."

And of bills from the Senate of the following titles:

"An act concerning writs of error and appeals and for other purposes;" and,

"An act allowing additional justices of the peace and constables to certain counties;" with amendments to the latter bill.

Mr. Daveiss moved that the Senate now resolve itself into a committee of the whole house, for the purpose of taking up the report of the select committee, on that part of the Governor's

message which relates to the amendment of the constitution of the United States.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Green and Carneal, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Daniel, Daveiss, Dudley, Given, J. Hughes, Mayo, O'Bannon, Pope, Selby, Slaughter, Smith, Stephens, M. H. Wickliffe, Wood and Yancey—21.

NAYS—Messrs. C. Allan, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, A. S. Hughes, Locker, Lockett, McConnell, Muldrow, Ward, White and R. Wickliffe—16.

Mr. Faulkner was called to the chair, and after some time spent in committee, Mr. Speaker resumed the chair, when Mr. Faulkner reported that the committee had, according to order, had under consideration the said report, and had gone through the same with amendments, which he handed in at the clerk's table. That the committee had also, according to order, had under consideration a bill concerning the Bank of the Commonwealth of Kentucky, and had gone through the same without amendment; which bill he also handed in at the clerk's table.

Mr. A. S. Hughes moved to lay the said report and amendments on the table until the first day of June next.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. A. S. Hughes and Daveiss, were as follows, to-wit:

YEAS—Messrs. C. Allan, Crutcher, Faulkner, Gibson, Green, Garrard, Hickman, A. S. Hughes, Locker, McConnell, Muldrow, Ward, White and R. Wickliffe—14.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Daniel, Daveiss, Dudley, Given, J. Hughes, Mayo, O'Bannon, Pope, Selby, Slaughter, Smith, M. H. Wickliffe, Wood and Yancey—20.

And then the Senate adjourned.

THURSDAY, JANUARY 11, 1827.

The Senate assembled.

The amendments proposed by the House of Representatives, to bills from the Senate of the following titles:

An act to amend an act entitled, "an act to incorporate the trustees of the Augusta College;" and,

"An act to add a small part of Henry county to the county of Franklin."

Were twice read and concurred in.

Ordered, That Mr. A. S. Hughes inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Sanders:

Mr. Speaker—The House of Representatives have passed a bill entitled, "an act to revive the *casa* on judgments in actions of Tort.

And then he withdrew.

The said bill was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, the said bill was committed to a select committee of Messrs. Green, Daveiss and Pope.

After a short time Mr. Green from the said committee, reported the said bill with an amendment;

Which was twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Faulkner inform the House of Representatives thereof, and request their concurrence in the said amendment.

The yeas and nays being required on the passage of the said bill, by Messrs. R. Wickliffe and Faulkner, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Dudley, Faulkner, Gibson, Green, Given, Hickman, A. S. Hughes, Locker, Mayo, M'Connell, Muldrow, O'Bannon, Pope, Selby, Slaughter, Smith, Stephens, Ward, White, M. H. Wickliffe, Wood and Yancey—32.

NAYS—Messrs. J. Hughes and R. Wickliffe—2.

Mr. Given presented the petition of sundry persons, praying that a law may pass authorizing the sale of a tract of land in Warren county, owned by the infant heirs of John Wigington;

Which was received, read and referred to the committee for courts of justice.

Mr. R. Wickliffe from the select committee to whom was referred, an engrossed bill entitled, an act more effectually to prevent the importation of slaves, reported the same without amendment.

The said bill was again read as follows, to-wit:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the fourth day of July, in the year one thousand eight hundred and twenty-seven, the importation of slaves to this state, shall be, and the same is here-

by prohibited, and all right of property in, or to persons so imported, contrary to the provisions of this act, and to the descendants of the females of them, shall be forfeited, and they shall be free, and entitled to all the rights and privileges of free persons of color. *Provided*, That nothing in this act shall be construed to effect the right of emigrants to this state, to bring with them slaves for their own use, or to prevent citizens of this state claiming property, in slaves, by devise or descent, from bringing them into this state for their own use.

Sec. 2. *Be it further enacted*, That no suit or action shall be commenced by any person of color claiming his or her freedom, under the provisions of this act, against any bona fide purchaser for a valuable consideration, from the original importer; unless such suit or action shall be commenced within two years from and after such bona fide purchase: *Provided, however*, that if any such suit or action having been commenced against such bona fide purchaser, within the time limited as aforesaid, shall be abated, discontinued or dismissed; or if a verdict having been rendered for the plaintiff, the judgment shall be arrested, or a judgment having been rendered the same shall be reversed; it shall and may be lawful for such plaintiff to commence and prosecute a new suit or action at any time within one year from such abatement, discontinuance, dismissal, arrest or reversal of judgment, and not after.

Mr. Carneal moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garrard and Green, were as follows, viz:

YEAS—Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Beaty, Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Dudley, Given, J. Hughes, Locker, Mayo, M'Connell, Muldrow, O'Bannon, Selby, Slaughter, Smith, Stephens, Ward, R. Wickliffe, Woods, Wood and Yancey—27.

NAYS—Messrs. Carneal, Faulkner, Gibson, Green, Garrard, Hickman, A. S. Hughes, Pope, White and M. H. Wickliffe—10.

An engrossed bill entitled, an act concerning the Allen Seminary; was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Cockerill carry the said bill to the House of Representatives and request their concurrence.

Mr. Yancey from the joint committee of enrollments reported that the committee had examined an enrolled bill entitled, "an act concerning writs of error and appeals and for other purposes;"

And had found the same truly enrolled.

A message was received from the House of Representatives, announcing that their Speaker had signed the said bill;

Whereupon the Speaker of the Senate signed the same, and it was delivered to the joint committee to be laid before the Governor.

After a short time Mr. Yancey reported that the committee had performed that duty.

A bill to establish an Academy in Russell county, was read the second time and ordered to be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Selby carry the said bill to the House of Representatives, and request their concurrence.

On the motion of Mr. Stephens, leave was given to bring in a bill to declare the duties of the prosecuting attorneys of this Commonwealth; and Messrs. Stephens, M'Connell and Selby were appointed a committee to prepare and bring in the same.

On the motion of Mr. Beaty, leave was given to withdraw the report made by him on Tuesday last, of the bill to appropriate certain lots in Danville, which have escheated to this Commonwealth.

Messages were received from the House of Representatives, announcing the passage, by that body, of a bill entitled, "an act for the benefit of Eli Huston;" and a bill which originated in the Senate, entitled, "an act to provide for rebuilding the Capitol and for other purposes."

The Senate took up the report of the select committee, on that part of the Governor's message which relates to an amendment of the constitution of the United States, and the amendments adopted in the committee of the whole.

The first amendment adopted by the committee of the whole, proposes to strike out the word "*inexpedient*," in the last line, and to insert in lieu thereof the word "*expedient*."

And the question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Daveiss and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Daniel, Daveiss, Dudley, Given, A. S. Hughes, J. Hughes, Mayo, O'Bannon, Pope, Selby, Slaughter, Smith, Stephens, M. H. Wickliffe, Wood and Yancey—22.

NAYS—Messrs. C. Allan, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, Locker, Lockett, M'Connell, Muldrow, Ward, White, R. Wickliffe and Woods—16.

The second amendment adopted by the committee proposes to add the following resolutions, to-wit:

2. *Resolved*, That it is expedient so to amend the constitution of the United States, as to cause the people of each state, to vote *directly* for the President and Vice President, instead of voting for Electors, and to provide against an election by Congress, or by either house thereof; retaining in the first vote by the people, the relative number of electoral votes of the several states, composed of the representation in the House of Representatives and Senate, as now established by the constitution, and in any subsequent vote by the people, the *equality* of the States.

3. *Resolved*, That our Senators be instructed, and our Representatives be requested to submit to the Congress of the United States, a proposition for an amendment to the constitution, conformable to the principles of the foregoing resolution, and to use their best efforts to cause the proposition for amendment to be proposed by Congress to the Legislatures of the several states for adoption according to the provision contained in the constitution.

4. *Resolved*, That the Governor of this Commonwealth, be requested to transmit a copy of the foregoing resolutions, to the Governor of each state, with a request that they be laid before the Legislature thereof, and to each of our Senators and Representatives in the Congress of the United States.

And the question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Cockerill and Daveiss, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Daniel, Daveiss, Dudley, Given, A. S. Hughes, J. Hughes, Mayo, M'Connell, O'Bannon, Pope, Selby, Slaughter, Smith, Stephens, M. H. Wickliffe, Wood and Yancey—23.

NAYS—Messrs. C. Allan, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, Locker, Lockett, Muldrow, Ward, White, R. Wickliffe and Woods—15.

On the motion of Mr. Carneal, the first resolution was amended to read as follows, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they deem an amendment to the constitution of the United States expedient.

Mr. M'Connell moved to prefix to the said resolutions the following preamble, to-wit:

Without the least intention on the part of this General Assembly, to express any disapprobation of the present administration of the general government, or any officer of the same—Without intending to take into consideration the relative merits or claims upon the public, of any one who has been, or is now considered

to be a candidate for the high and responsible office of President of the United States—Without attempting in any manner to consider or decide upon the gratuitous opinions of individuals, regarding the motives of those members of Congress, who voted for Mr. Adams or for General Jackson, in the late Presidential Election, or the charges predicated upon those opinions which have been pronounced and reiterated in various newspapers throughout the union, in relation thereto, (which opinions and charges ought to be regarded as the results of electioneering purposes; as the ebullitions of party zeal or as a display of the poisoned feelings of disappointed ambition;) but because it is believed that a majority of the good people of this Commonwealth, for whom alone we can speak, desire that the election of President and Vice President should be confided to them directly, and not through the medium of electors. Therefore,

Mr. Crutcher moved to lay the said resolutions and amendment on the table until Tuesday next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Crutcher and Cockerill, were as follows, to-wit:

YEAS—Messrs. Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, A. S. Hughes, Lockett, Muldrow, White and Woods—12.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Cockerill, Daniel, Daveiss, Dudley, Given, J. Hughes, Locker, Mayo, O'Bannon, Pope, Selby, Slaughter, Smith, Stephens, M. H. Wickliffe, Wood and Yancey—21.

Mr. C. Allan moved to lay the same on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cockerill and McConnell, were as follows, to-wit:

YEAS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, McConnell, Muldrow, Ward, White and Woods—14.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Cockerill, Daniel, Daveiss, Dudley, Given, A. S. Hughes, J. Hughes, Locker, Lockett, Mayo, O'Bannon, Pope, Selby, Slaughter, Smith, Stephens, M. H. Wickliffe, Wood and Yancey—22.

The question was then taken on the preamble proposed by Mr. McConnell, and it was decided in the negative; the Senate being equally divided, the Speaker voted in the negative.

The yeas and nays being required thereon by Messrs. Daveiss and Beaty, were as follows, to-wit:

YEAS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, A. S. Hughes,

Locker, Lockett, M'Connell, Muldrow, Stephens, Ward, White, R. Wickliffe and Woods—19.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Carneal, Cockerill, Daniel, Daveiss, Dudley, Given, J. Hughes, Mayo, O'Bannon, Pope, Selby, Slaughter, Smith, M. H. Wickliffe, Wood and Yancey—19.

Mr. C. Allan then moved the following amendment as a substitute for the said resolutions, to-wit:

Whereas the resolutions now under consideration, do not recommend any certain amendment to the constitution of the United States. They do not define what course shall be pursued if no candidate for the Presidency receives a majority on the first vote of the people; nor what shall be done if two or more candidates gets an equal number of votes; nor what shall be the consequence if the vote of one or more states be equally divided between two or more candidates—The subject being left by the resolutions, at large in the wide field of uncertainty. To instruct our members in Congress to go into the solemn and awful business of amending the constitution without telling them what amendment we desire, is dangerous in the extreme; Therefore,

Resolved by the General Assembly, That a committee of twelve members from each house be raised, to draft an amendment to the constitution of the United States, which shall secure to the good people thereof, the right of voting directly for President and Vice President.

Mr. A. S. Hughes moved to amend the said amendment by adding thereto the following:

Be it further resolved, That the said committee be instructed to prepare an appropriate memorial, to the Congress of the United States, requesting that body to propose to the several States, an amendment to the constitution of the United States, by which amendment the supreme court of the United States, shall be arrested of that jurisdiction, which authorizes that tribunal to take jurisdiction, in any cases where the title or boundaries of land shall be in controversy between citizens of different states, or between citizens of the same state, claiming land under grants of different states.

The question was taken on adopting the said amendment moved by Mr. A. S. Hughes, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'Connell and A. S. Hughes, were as follows, to-wit:

YEAS—Messrs. C. Allan, J. Allen, Barrett, Beaty, Carneal, Crutcher, Cunningham, Daniel, Dudley, Faulkner, Gibson, Green, Garrard, Hickman, A. S. Hughes, Locker, M'Connell, Muldrow, O'Bannon, Smith, Stephens, Ward, White, R. Wickliffe, Woods and Yancey—26.

NAYS—Messrs. C. H. Allen, Cockerill, Daveiss, Given, J.

Hughes, Lockett, Mayo, Pope, Selby, Slaughter, M. H. Wickliffe and Wood—12.

The question was then taken on the amendment proposed by Mr. C. Allan as amended; and it was decided in the negative: the Senate being equally divided the Speaker voted in the negative.

The yeas and nays being required thereon by Messrs. C. Allan and Green, were as follows, to-wit:

YEAS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, A. S. Hughes, Locker, Lockett, McConnell, Muldrow, Stephens, Ward, White, R. Wickliffe and Woods—19.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Carneal, Cockerill, Daniel, Daveiss, Dudley, Given, J. Hughes, Mayo, O'Bannon, Pope, Selby, Slaughter, Smith, M. H. Wickliffe, Wood and Yancey—19.

And so the said resolutions were adopted.

Ordered, That Mr. Slaughter carry the said resolutions to the House of Representatives and request their concurrence therein. And then the Senate adjourned.

FRIDAY, JANUARY 12, 1827.

The Senate assembled.

Mr. Daveiss from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act to render certain offices incompatible;" reported the same without amendment.

The said bill was recommitted to a select committee of Messrs. Carneal, Woods and Gibson.

The Speaker laid before the Senate, a letter from the Rev. Benjamin O. Peers, agent of the American Colonization Society, for the western country, and a memorial of the said society, requesting the General Assembly to aid in effectuating the objects of the society.

And Mr. Pope presented the petition of sundry citizens of Washington county, praying that the vote of the Senate by which a bill from the House of Representatives, entitled, "an act to establish the county of M'Kee," was postponed until the 30th day of July next, may be reconsidered, and that the said bill may pass.

Which were severally received and read; the former was referred to a select committee of Messrs. Carneal, Green, Pope, R. Wickliffe, Yancey, C. Allan, J. Allen and A. S. Hughes, and the latter was laid on the table.

Mr. Dudley from the joint committee of enrollments reported, that the committee had examined enrolled bills of the following titles, to-wit:

An act to provide for the rebuilding of the Capitol, and for other purposes.

An act to add a small part of Henry county to the county of Franklin.

An act to provide for running the lines of Edmondson county.

An act for the benefit of Elijah Adkins and Richard Tidings.

An act for the benefit of James Kash and William Trimble;

And an act to add a part of the county of Caldwell to the county of Trigg;

And had found the same truly enrolled.

Mr. Given from the same committee reported, that they had examined an enrolled bill, entitled;

An act to amend an act entitled, an act to incorporate the trustees of the Augusta College;

And had found the same truly enrolled.

A message was received from the House of Representatives, announcing that their Speaker had signed the said bills;

Whereupon the Speaker of the Senate signed the same, and they were delivered to the joint committee to be laid before the Governor.

After a short time Mr. Dudley reported, that the committee had performed that duty.

Mr. M. H. Wickliffe read and laid on the table the following resolutions, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a Tombstone be erected to the memory of Isaac Shelby, late Governor of Kentucky, with a suitable inscription thereon; and that it be furnished by the keeper of the Penitentiary, and charged by him to the account of the Commonwealth.

Resolved further, That the Tombstone so furnished, shall be transported to the place of erection, and erected at the cost of this Commonwealth.

And thereupon the rule having been dispensed with, the said resolutions were taken up, twice read and adopted,

Ordered, That Mr. M. H. Wickliffe carry the same to the House of Representatives and request their concurrence therein.

Mr. Carneal from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act to render certain offices incompatible;" reported the same with amendments,

Which were twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with:

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Carneal inform the House of Representatives thereof, and request their concurrence in the said amendments.

A message from the Governor by Mr. Loughborough, assistant secretary.

Mr. Speaker—On the 11th inst. the Governor approved and signed an enrolled bill which originated in the Senate, entitled, "An act concerning writs of error and appeals, and for other purposes."

On this morning;

"An act to provide for the rebuilding of the Capitol, and for other purposes.

"An act to add a small part of Henry county to the county of Franklin."

And then he withdrew.

Ordered, That Mr. Yancey inform the House of Representatives thereof.

The following bills were reported:

By Mr. Stephens from the select committee appointed for that purpose—1. A bill to declare the duties of the prosecuting attorneys of this Commonwealth; and,

By Mr. C. H. Allen from the committee for courts of justice, as unfinished business of last session—2. A bill to amend an act concerning escheats.

Which bills were severally read the first time; and the former was ordered to be read a second time—the latter bill reads as follows:

AN ACT to amend the act concerning escheators.

Whereas there was granted by the act of the legislature of Virginia, to the trustees of the Transylvania Seminary, twelve thousand acres of land in Kentucky, that was then subject to, or might subsequently become liable to escheat, to be vested in the trustees when escheated. And whereas, by the general law of this Commonwealth, on the subject of escheats, some difficulty has been experienced by the trustees in obtaining titles to such estate as has been escheated and come to their possession; For remedy whereof;

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That wherever real estate has been, or hereafter may be escheated to the Commonwealth, that on application by the written order of the chairman of the board of trustees of Transylvania University, to the escheator who may be in office in the county where the estate lies, said escheator shall convey the same by deed, to said trustees, or to whomsoever they may direct, and the fee simple title shall pass by such conveyance to the said trustees or persons receiving the same, and vest in said trustees or other grantee, the title to the estate so conveyed, complete for all purposes whatsoever. But this act is not to be so understood as to include escheated town lots, or to vest more than the aforesaid twelve thousand acres of land in said trustees, under any

circumstances whatever. *Provided however*, That this act shall, in no wise be so construed as to interfere with any land which may heretofore have escheated to this Commonwealth, and which may have been disposed of by sale or otherwise.

Mr. Beaty moved to lay the latter bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Cockerill and Beaty, were as follows, to-wit:

YEAS—Messrs. J. Allen, Barrett, Beaty, Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Faulkner, Given, J. Hughes, Locker, Mayo, O'Bannon, Pope, Selby, Slaughter, Stephens, Wood and Yancey—20.

NAYS—Messrs. C. Allan, C. H. Allen, Carneal, Dudley, Gibson, Green, Garrard, Hickman, A. S. Hughes, Lockett, M'Connell, Muldrow, Smith, White, R. Wickliffe and Woods—16.

Mr. Daveiss moved for leave to bring in a bill to dispose of the escheated land in this Commonwealth, and for other purposes.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. R. Wickliffe and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Daniel, Daveiss, Green, Garrard, Given, Hickman, A. S. Hughes, Locker, Lockett, Mayo, M'Connell, O'Bannon, Selby, Slaughter, Stephens, Woods, Wood and Yancey—22.

NAYS—Messrs. C. Allan, Carneal, Cockerill, Crutcher, Cunningham, Dudley, Faulkner, Gibson, J. Hughes, Muldrow, Smith, White and R. Wickliffe—13.

Messrs. Daveiss, C. H. Allen, Given, Green, Beaty and A. S. Hughes, were appointed a committee to prepare and bring in the same.

Mr. Beaty from the select committee to whom was referred, a bill to appropriate certain lots in Danville, which have escheated to this Commonwealth, reported the same without amendment.

Mr. A. S. Hughes moved an amendment thereto; and the said bill and amendment were recommitted to a select committee of Messrs. Daveiss, C. H. Allen, Given, Green, Beaty and A. S. Hughes.

Messages were received from the House of Representatives, announcing the passage of bills, by that body, of the following titles, to-wit:

"An act to amend an act entitled 'an act to provide for the sale of vacant lands west of the Tennessee river.'"

"An act to authorize certain county courts to permit gates to be erected across certain roads therein."

"An act to extend the powers of the trustees of Lexington."

"An act for the benefit of William F. and Sarah E. Ward."

"An act for the benefit of Thomas Owens and John Harrison."

"An act to authorize the appointment of one additional constable in Todd county;" and,

"An act to erect an election precinct in the county of Woodford."

Mr. Hickman moved to take up the joint resolution read and laid on the table by him, on the 21st of last month, for burning the paper of the bank of the Commonwealth of Kentucky.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Green and Hickman, were as follows, to-wit:

YEAS—Messrs. C. Allan, Beaty, Carneal, Crutcher, Cunningham, Daniel, Faulkner, Gibson, Green, Garrard, Given, Hickman, J. Hughes, Locker, Lockett, McConnell, Muldrow, Slaughter, Smith, White, R. Wickliffe, Woods and Wood—23.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Cockerill, Daveiss, Dudley, A. S. Hughes, Mayo, O'Bannon, Selby and Yancey—11.

Mr. Hickman moved the following amendment as a substitute for the said resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the President and Directors of the bank of the Commonwealth of Kentucky shall, on or before the fourth Monday in February next, in the presence of the Auditor and Treasurer, proceed to count and cancel by burning, *the notes* which may be found in said bank, except so much as the appropriations heretofore made and not complied with, if any, and contingent purposes of said bank, if any such contingency may be found expedient: and that they make special report to the next legislature, within the first week of their session.

Mr. Cockerill moved to amend the said amendment by striking out the words "*the notes,*" printed in italics, and inserting in lieu thereof these words: *four hundred thousand dollars of the notes most defaced and unfit for circulation;*

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cockerill and J. Hughes, were as follows, viz:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Cunningham, Daveiss, Dudley, Given, A. S. Hughes, Locker, Lockett, O'Bannon, Pope, Slaughter, Smith, Wood and Yancey—19.

NAYS—Messrs. C. Allan, Crutcher, Daniel, Faulkner, Gibson, Green, Garrard, Hickman, J. Hughes, Mayo, McConnell,

Muldraw, Selby, Stephens, White, M. H. Wickliffe, R. Wickliffe and Woods—18.

Mr. Green moved to amend the amendment proposed by Mr. Cockerill, by striking out the word "*four*;"

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Cockerill and Gibson, were as follows, viz:

YEAS—Messrs. C. Allan, C. H. Allen, Crutcher, Cunningham, Daniel, Faulkner, Gibson, Green, Garrard, Hickman, J. Hughes, Locker, Lockett, M'Connell, Muldraw, Selby, Smith, Stephens, Ward, White, M. H. Wickliffe and Woods—22.

NAYS—Messrs. J. Allen, Barrett, Beaty, Cockerill, Daveiss, Dudley, A. S. Hughes, Mayo, O'Bannon, Pope, Slaughter, Wood and Yancey—13.

Mr. Smith moved to fill the blank occasioned thereby with *nine*.

Mr. M'Connell moved to fill the said blank with, *seven*.

Mr. Lockett moved to fill the said blank with, *six*.

Mr. Slaughter moved to fill the said blank with, *five*.

And Mr. Cockerill moved to fill the said blank with, *three*.

The question being taken on the motion of Mr. Smith, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daveiss and Cockerill, were as follows, viz:

YEAS—Messrs. C. Allan, Carneal, Daniel, Faulkner, Gibson, Green, Garrard, Hickman, J. Hughes, M'Connell, Muldraw, Smith, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—18.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Cockerill, Crutcher, Cunningham, Daveiss, Dudley, Given, A. S. Hughes, Locker, Lockett, Mayo, O'Bannon, Pope, Selby, Slaughter, Wood and Yancey—20.

The question was then taken on the motion of Mr. M'Connell, and it was decided in the negative. The Senate being equally divided the Speaker voted in the negative.

The yeas and nays being required thereon by Messrs. Cockerill and M'Connell, were as follows to-wit:

YEAS—Messrs. C. Allan, Carneal, Daniel, Faulkner, Gibson, Green, Garrard, Hickman, J. Hughes, Lockett, M'Connell, Muldraw, Smith, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—19.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Cockerill, Crutcher, Cunningham, Daveiss, Dudley, Given, A. S. Hughes, Locker, Mayo, O'Bannon, Pope, Selby, Slaughter, Wood and Yancey—19.

The question was then taken on the motion of Mr. Lockett, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Carneal and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. Allan, Carneal, Crutcher, Daniel, Faulkner, Gibson, Green, Garrard, Hickman, J. Hughes, Lockett, M'Connell, Muldrow, Smith, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—20.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Cockerill, Cunningham, Daveiss, Dudley, Given, A. S. Hughes, Locker, Mayo, O'Bannon, Pope, Selby, Slaughter, Wood and Yancey—18.

Mr. C. H. Allen moved to amend the said amendment by adding thereto the following resolution:

Resolved further, That the calls on the debtors of said bank be at the rate of one half per cent. per month, until the next session of the General Assembly,

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Gibson and M'Connell, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Cockerill, Daveiss, A. S. Hughes, Mayo, O'Bannon, Pope, Slaughter, M. H. Wickliffe, Wood and Yancey—12.

NAYS—Messrs. C. Allan, Barrett, Beaty, Carneal, Crutcher, Cunningham, Daniel, Dudley, Faulkner, Gibson, Green, Garrard, Given, Hickman, J. Hughes, Locker, Lockett, M'Connell, Muldrow, Selby, Smith, Ward, White R. Wickliffe and Woods—25.

The said amendment proposed by Mr. Hickman was further amended and adopted as follows, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the President and directors of the bank of the Commonwealth of Kentucky, shall on or before the fourth Monday in February next, in the presence of the Governor, Auditor and Treasurer, proceed to count and cancel by burning, six hundred thousand dollars of the notes most defaced and unfit for circulation, which may be found in said bank; and that they make special report to the next legislature, within the first week of their session.

The yeas and nays being required on the adoption of the same by Messrs. Gibson and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. Allan, Carneal, Crutcher, Cunningham, Daniel, Faulkner, Gibson, Green, Garrard, Given, Hickman, A. S. Hughes, J. Hughes, Locker, Lockett, M'Connell, Muldrow, Pope, Slaughter, Smith, Ward, White, M. H. Wickliffe, R. Wickliffe, Woods, and Wood—26.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Cockerill, Daveiss, Dudley, Mayo, O'Bannon, Selby, and Yancey—11.

Ordered, That Mr. Hickman carry the said resolution to the House of Representatives and request their concurrence therein.

A message in writing was received from the Governor, by Mr. Loughborough, assistant secretary.

Mr. C. Allan read and laid on the table the following resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the representatives of the good people of this Commonwealth have full confidence in the wisdom, patriotism and purity of the present administration of the General Government.

And then the Senate adjourned.

SATURDAY, JANUARY 13, 1827.

The Senate assembled.

Mr. Given presented the petition of George Owings, an old soldier, praying a grant of a quarter section of land west of the Tennessee river.

And Mr Green presented the petition of Willis Beagley, representing that he is confined in the jail of Lincoln county, upon a charge of murder, and that owing to the prejudices against him, he cannot have a fair trial in said county, and praying for a change of venue.

Which were severally received, read and referred; the former to the committee of propositions and grievances, and the latter to the committee for courts of justice.

Mr. C. H. Allen from the committee for courts of justice, to whom was referred, a bill concerning sheriffs' returns upon executions, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time on Monday next.

Mr. C. H. Allen from the same committee to whom was referred, a bill concerning conveyances, reported the same with an amendment.

Which was twice read and concurred in.

Ordered, That the said bill, as amended, be engrossed and read a third time on Monday next.

On motion—*Ordered*, That the committee for courts of justice be discharged from the further consideration of the petition of Simon Kenton.

The said petition was recommitted to a select committee of Messrs. Ward, Muldrow and O'Bannon.

Mr. Carneal from the select committee to whom was referred, the memorial of the American Colonization Society, made the following report, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they view with deep and friendly interest, the ex-

tions of the American Colonization Society, in establishing an Asylum on the coast of Africa, for the free people of color of the United States; and that the Senators and Representatives in Congress from this state be, and they are hereby requested to use their efforts to facilitate the removal of such free persons of color as may desire to emigrate from the United States to the colony, and to insure to them the protection and patronage of the General Government.

Resolved, That the Governor be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

Which being twice read, it was recommitted to the same committee, and Messrs. M'Connell and Dudley were added thereto.

A message in writing was received from the Governor by Mr. Loughborough, assistant secretary.

Mr. M'Connell moved to take up a bill concerning the bank of the Commonwealth of Kentucky.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. M'Connell and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. Allan, Carneal, Crutcher, Faulkner, Gibson, Green, Garrard, Hickman, A. S. Hughes, M'Connell, Muldrow, Selby, Slaughter, Stephens, Ward, White, Woods, Wood and Yancey—19.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Cockerill, Cunningham, Daniel, Daveiss, Dudley, Given, J. Hughes, Lockett, Mayo, O'Bannon and M. H. Wickliffe—15.

The said bill was recommitted to a select committee of Messrs. M'Connell, Green, Selby and C. Allan.

Mr. A. S. Hughes from the committee for courts of justice to whom was referred, a bill for the benefit of Nicholas Seminary and to establish Wilson Seminary at the Lower Blue Licks, reported the same with an amendment.

Which was twice read and disagreed to.

Ordered, That the said bill be recommitted to a select committee of Messrs. A. S. Hughes, Green, Beaty and Cunningham.

A bill from the House of Representatives entitled "an act to erect and establish the county of Anderson out of parts of the counties of Franklin, Washington and Mercer, was recommitted to a select committee of Messrs. Muldrow, Dudley, Pope and Daveiss.

Messages were received from the House of Representatives, announcing the passage of bills, by that body, of the following titles, to-wit:

"An act for the benefit of William H. Wood."

"An act for the benefit of Lewis Rogers late deputy sheriff of Ohio county."

"An act requiring the judge of the ninth judicial district to hold a chancery term for the county of Jessamine."

"An act for the benefit of Silas M'Bee."

"An act to authorize the Soldier creek Baptist Society of the county of Calloway to enter part of a quarter section of land."

"An act for the benefit of Frank Hogg and others."

"An act for the benefit of Jonathan Downes and for other purposes."

"An act to legalize the proceedings of the Warren county court, and for other purposes."

"An act to authorize the collection of the revenue tax of Mason county, and for other purposes."

"An act to incorporate the Middletown male and female Seminary and orphan's asylum."

"An act for the benefit of John Todd."

"An act to increase the powers of the trustees of Louisville."

"An act to authorize the appointment of a clerk for the Henry circuit court."

"An act allowing an additional justice of the peace to Grant county."

"An act to authorize the county courts to establish inspections of Salt."

"An act to authorize the administrators of Doctor Charles McCreery deceased, to sell a certain tract of land."

"An act to enlarge the powers of the trustees of the several towns in this Commonwealth;" and,

"An act concerning Idiots and Lunatics."

And that they have concurred in the amendments proposed by the Senate to a bill from that house, entitled,

"An act to render certain offices incompatible;" and in a resolution from the Senate, for burning a part of the notes of the bank of the Commonwealth of Kentucky.

A message from the House of Representatives by Mr. Bainbridge.

Mr. Speaker—The House of Representatives have received official information, that the Governor did, on the 9th inst. approve and sign an enrolled bill which originated in that house, entitled:

An act for the benefit of the Deaf and Dumb Asylum at Danville.

On the 10th inst.—An act to authorize certain counties to lay their county levy, and for other purposes; and,

An act to authorize the stockholders of the Bank of Limestone to elect an agent or commissioner.

On the 12th inst.—An act to add a part of Caldwell to the county of Trigg.

An act for the benefit of James Kash and William Trimble.

An act to provide for the running of the lines of Edmonson county; and,

An act for the benefit of Elijah Adkins and Richard Tidings. And then he withdrew.

A bill from the House of Representatives entitled, "an act to authorize the appointment of a clerk for the Henry circuit court."

Was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being amended.

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. C. H. Allen inform the House of Representatives thereof, and request their concurrence in the said amendment.

A message from the Governor by Mr. Loughborough, assistant secretary.

Mr. Speaker—On the 12th inst. the Governor approved and signed an enrolled bill which originated in the Senate, entitled,

An act to amend an act entitled, an act to incorporate the trustees of the Augusta College.

And then he withdrew.

Mr. Daniel from the majority on the vote by which a bill from the House of Representatives, entitled, "an act to establish the county of M'Kee," was laid on the table until the 30th day of July next, moved a reconsideration thereof.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. M. H. Wickliffe and Carneal, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Cockerill, Daniel, Daveiss, Given, A. S. Hughes, Lockett, Mayo, O'Bannon, Selby, Stephens, White, Wood and Yancey—16.

NAYS—Messrs. C. Allan, Beaty, Carneal, Crutcher, Cunningham, Dudley, Faulkner, Gibson, Green, Garrard, Hickman, J. Hughes, M'Connell, Muldrow, Pope, Slaughter, Ward, M. H. Wickliffe, R. Wickliffe and Woods—20.

A message from the House of Representatives by Mr. Turner.

Mr. Speaker—The House of Representatives have concurred in a resolution from the Senate fixing a day for the election of public officers.

And then he withdrew.

The resolutions read and laid on the table by Mr. Crutcher on the 13th of last month, and the amendments thereto, reported from the select committee, were taken up.

The said amendment proposes to strike out the words "a general execution law," in the last line of the first resolution, and to

insert in lieu thereof, "a law to adopt the execution laws of the several states for the government of the Marshals."

Mr. M'Connell moved to amend the said amendment by substituting therefor, the following:

An act requiring the Federal Court, from time to time, to adopt *by their rules*, the execution laws of the respective states, made for the citizens thereof, in all cases, except in those cases in which the United States shall, both nominally and beneficially be the plaintiff, and prohibiting said courts from the adoption of rules regulating executions in violation of those laws of the states respectively, except as above.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'Connell and Crutcher, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Dudley, Gibson, Hickman, A. S. Hughes, J. Hughes, Lockett, Mayo, M'Connell, Muldrow, O'Bannon, Pope, Slaughter, Stephens, White, M. H. Wickliffe, Woods Wood and Yancey—29.

NAYS—Messrs. Faulkner, Green, Garrard, Selby, Ward and R. Wickliffe—6.

Mr. Gibson at half past two o'clock P. M. moved that the Senate do now adjourn.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cockerill and Crutcher, were as follows, viz:

YEAS—Messrs. C. Allan, C. H. Allen, J. Allen, Gibson, Green, Garrard, Muldrow, O'Bannon, Selby, Ward, M. H. Wickliffe, R. Wickliffe and Wood—13.

NAYS—Messrs. Barrett, Beaty, Carneal, Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Dudley, Faulkner, Hickman, A. S. Hughes, J. Hughes, Lockett, Mayo, M'Connell, Pope, Slaughter, Stephens, White, Woods and Yancey—22.

On the motion of Mr. Pope, the first resolution was amended by adding thereto these words: "and to make such further or other provisions by said act as may be deemed necessary by Congress."

Mr. Carneal moved further to amend the same by adding thereto these words: "to effectuate the aforesaid object."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. C. Allan and Green, were as follows, to-wit:

YEAS—Messrs. J. Allen, Barrett, Carneal, Cockerill, Daveiss, A. S. Hughes, J. Hughes, Mayo, M'Connell, Selby and Yancey—11.

NAYS—Messrs. C. Allan, C. H. Allen, Beaty, Crutcher, Cunningham, Daniel, Dudley, Faulkner, Gibson, Green, Garrard, Hickman, Lockett, Muldrow, O'Bannon, Pope, Slaughter, Stephens, Ward, White, R. Wickliffe, Woods and Wood—23.

On the motion of Mr. Carneal, the amendment offered by Mr. McConnell was amended by striking out the words "*by their rules*" printed in italics.

The question was then taken on the adoption of the said resolutions as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Carneal and Cockerill; were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Crutcher, Cunningham, Daniel, Davess, Dudley, Gibson, Hickman, A. S. Hughes, J. Hughes, Mayo, McConnell, Muldrow, O'Bannon, Pope, Selby, Slaughter, Stephens, White, Wood and Yancey—27.

NAYS—Messrs. Faulkner, Green, Garrard, Lockett, Ward, R. Wickliffe and Woods—7.

Ordered, That Mr. Crutcher carry the said resolutions to the House of Representatives and request their concurrence therein.

Mr. Hickman from the joint committee appointed to examine the Treasurer's office, made the following report, to-wit:

The joint committee appointed to examine and report the condition of the Treasury, have performed that duty and beg leave to report:

That they have carefully examined the books of said office, containing the debits and credits of the Treasurer from the 16th of December, 1825, the time when he commenced his official duties, till the 10th of October 1826, and find the items supported by legal and appropriate vouchers, and that the situation of the receipts and disbursements of the Treasury are correctly represented and exhibited by the report of the Treasurer, made to the present legislature under the date of the 16th of December last, to which they refer, and which they incorporate as a part of this report. They cannot conclude their report without expressing the opinion that the books and accounts of said office are neatly and accurately kept, and that the Treasurer has discharged his duty with accuracy and fidelity.

JOHN L. HICKMAN,
JESSE DANIEL,
ROBERT STEPHENS,

Committee of the Senate.
CYRUS WALKER,
SILAS EVANS,
WM. CARSON,
JOHN J. ALLIN,
R. D. MAUPIN,

Committee from House of Representatives.

And then the Senate adjourned.

MONDAY, JANUARY 15, 1827.

The Senate assembled.

Messages were received from the House of Representatives announcing the passage of bills, by that body, of the following titles, to-wit:

An act to establish the town of Vanceburg in Lewis county and for other purposes.

An act to authorize the insertion of advertisements in the Augusta Herald, and for other purposes.

An act for the benefit of the Judge of the tenth judicial district.

An act allowing additional justices of the peace to the county of Ohio, and for other purposes.

An act supplemental to an act allowing additional constables to certain counties in this Commonwealth.

An act to amend the law regulating proceedings by petition and summons.

An act appointing trustees to the town of New Liberty in the county of Owen.

An act for the benefit of Henry Spence and John H. Hanna.

An act allowing an additional justice of the peace and constable to the county of Washington.

An act to incorporate the Maysville and Lexington turnpike road company.

An act for the benefit of William Ward of Greenup county.

An act to incorporate the Hartford Manufacturing Company.

An act for the benefit of the heirs of Johnston Dysart deceased.

An act regulating injunctions, and other restraining orders in chancery suits, and for other purposes.

An act to establish an additional judicial district and to change the time of holding certain circuit courts;

And a bill from the Senate entitled, an act further to regulate the sale of lands west of the Tennessee river.

Mr. A. S. Hughes from the select committee to whom was referred, a bill for the benefit of Nicholas Seminary and to establish Wilson Seminary at the Lower Blue Licks; reported the same with an amendment;

Which was twice read and concurred in.

Ordered, That the said bill, as amended, be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. A. S. Hughes carry the said bill to the House of Representatives and request their concurrence.

Mr. Muldrow from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act to erect and establish the county of Anderson out of parts of the counties of Franklin, Washington and Mercer," reported the same with an amendment;

Which was twice read and concurred in.

Ordered, That the said bill, as amended, be again read a third time. The third reading being dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. C. H. Allen inform the House of Representatives thereof, and request their concurrence in the said amendment.

The yeas and nays being required on the passage of the said bill by Messrs. Woods and Carneal, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Dudley, Faulkner, Gibson, Given, A. S. Hughes, J. Hughes, Locker, Mayo, McConnell, Muldrow, O'Bannon, Slaughter, Ward, White, R. Wickliffe and Yancey—27.

NAYS—Messrs. Green, Garrard, Hickman, Lockett, Selby and Woods—6.

Mr. Dudley from the joint committee of enrollments reported, that the committee had examined enrolled bills and resolutions of the following titles, to-wit:

An act to revive the *ca. sa.* on judgments in actions of Tort.

An act to render certain offices incompatible.

An act to authorize the appointment of additional justices of the peace and constables in certain counties.

An act to authorize the appointment of a clerk for the Henry circuit court.

A resolution fixing a day for the election of public officers.

And a resolution for burning a part of the notes of the bank of the Commonwealth of Kentucky.

And had found the same truly enrolled.

A message was received from the House of Representatives, announcing that their Speaker had signed the said bills and resolutions.

Whereupon the Speaker of the Senate signed the same and they were delivered to the joint committee to be laid before the Governor;

After a short time Mr. Dudley reported that the committee had performed that duty.

On the motion of Mr. Stephens, leave was given to bring in a bill to legalize the proceedings of the Ohio county court, and Messrs. Stephens, Daveiss and Locker were appointed a committee to prepare and bring in the same.

After a short time Mr. Stephens from the said committee reported the said bill;

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Stephens carry the said bill to the House of Representatives and request their concurrence.

Mr. Ward from the select committee appointed for that purpose, reported a bill for the benefit of Simon Kenton;

Which was read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and the second reading of the said bill having been dispensed with, the said bill was committed to a select committee of Messrs. Ward, Carneal, O'Bannon, McConnell, C. Allan and Daveiss.

Mr. McConnell from the select committee to whom was referred, a bill concerning the bank of the Commonwealth of Kentucky, made the following report, to-wit:

The committee to whom was referred a bill concerning the Bank of the Commonwealth of Kentucky, have had that subject under consideration, and beg leave to submit the following report:

From the report of the President of that Bank to the Senate of the 30th of December last, it appears that the total expenditures of the branches for the last year were \$23,100. By that report, the expenses of ten of the branches for judicial proceedings, are shown to be \$3,029. If the expenses of the other two branches, if considered upon an average view with those of the ten given, which it is presumed will be a fair estimate, will make the total expenditures of the branches for judicial proceedings, about the sum of \$3,600; which deducted from the whole sum of \$23,100, leaves \$19,500. The amount of the annual ordinary expenses of the branches, and which will continue to be incident and perhaps necessary to the maintenance of the same, each year, until they shall have been withdrawn. Should the bill pass, it is believed that an agent for each bank district, as at present arranged, well qualified to settle the concerns of the institution, and who would amply secure the state by bond with competent security, may be obtained for the sum of \$600 *per annum*. This sum would be in full for travelling expenses for salary &c which would for the twelve districts, amount to \$7,200. To this may be added the sum of \$800 for additional clerk hire in the mother bank; making the total of the ordinary expenses on the plan proposed

by the bill, equal to \$8,000 per year. This sum taken from the ordinary expenses of the present plan, will leave *eleven thousand five hundred dollars* of a clear saving to the state in the management of the institution.

Your committee are of opinion that true policy requirest hat frequent settlements should be made with each public agent who has the control and possession of public monies. Should the measure contemplated by the bill, be adopted, it will enable the officers of the mother bank, and indeed make it their imperious duty to settle with each agent at least three times in every year; to receive and count the monies by him collected; to examine and record an account of the notes by him renewed, and thus from actual inspection of the proceedings of the agents, and settlements with them in person, bring to a close, at the end of every three months, all their transactions. These officers of the mother bank are directly responsible to the legislature, and their books and accounts are once in each year, examined by a joint committee of that body, and the money on hand counted and known. Thus it would seem to your committee, that a direct responsibility would exist and a system of accountability be established, which would secure the interest and satisfy the minds of the whole community. By the present system, it is true, that it becomes the duty of the cashiers of the respective branches, to report to the mother bank their situation, and exhibit a fair balance of their respective concerns, in an account current. It is also the duty of those cashiers, to forward the amounts by them received for discounts, &c. But it is also true that there is no check upon these officers other than their moral feeling. Under a thousand covert pretences they may force the balances in their accounts and none can detect them. In their hands are placed, the keys of the vaults or money-chests. They can repair to them at the hour of midnight. They can make entries on the books or refrain from making them at pleasure. Already has a defalcation appeared on the part of one of the cashiers, of \$5,000. This is the only cashier, so far as your committee are informed, who has come to a final settlement of accounts. Whether others are delinquent or not, cannot be known, yet it ought to be known. Your committee do not wish to be understood as giving an opinion that the defalcation which has been discovered, was the result of immorality in the cashier. It may have happened from feelings of an opposite character. He may have seen a friend in distress and made a temporary loan to relieve him. He may, in the honesty of his heart have supposed all others honest, and have trusted too far. It may have been stolen from him, notwithstanding he used ordinary vigilance to prevent it. But it is referred to as a practical matter of fact argument, to shew the im-

portance of repeated settlements with the receivers and holders of the public monies.

Your committee are of opinion that the withdrawal of the branches upon the plan proposed by the bill, would afford great facilities to the debtors to the bank, in paying their calls and renewing their notes, and thereby ensure good feelings on their part, towards the institution. Many persons, and especially of the poorer class of our citizens, borrowed but small sums in the first instance; those sums have been reduced by repeated payments. In many instances these debtors live very remote from the point at which their branch is located; yet they are compelled to travel three times each year, to this branch to pay their calls and renew their notes, or, on failure thereof, they are saddled with the costs of a law-suit. In many instances, the poor debtor has to travel one hundred miles or more, to pay a sum not exceeding five dollars, and this three times in each year. He is compelled to leave his family and business for six or eight days together, and perhaps spend twice the sum which the bank can demand as a call. This must be grievously oppressive to all who do not live in the neighborhood of a branch. Nor is it considered any amelioration of his condition, that he may find means occasionally, of sending by others. The prudent man always considers his business, of this character, best done when he attends to it himself; and it is known to some of your committee, that many instances of sending by others, has proved wholly abortive, from an entire failure of the persons entrusted to execute the trust. The inevitable consequences of this mode of paying one's debts, is to leave doubts and disquietudes in the minds of those who are from necessity compelled to resort to it. The effect of these inconveniencies, your committee believe, has superinduced a great multiplication of suits against debtors remote from the bank, but more particularly against the poorer class, who at first borrowed but small sums.

In support of this opinion, your committee would refer to the reports from the several branches, by which it will appear that the debtors to the bank, who live remote from the branch of which they borrowed, are almost universally sued, while but few of those who reside in the neighborhood of the branch, are subject to this mode of collection. It is believed that the intention of the legislature in creating the bank and distributing its branches throughout the state, was to aid the debtors of the country and afford them facilities in discharging their debts.—There is no doubt that this intention was effectuated to a great extent, at that time, and so long as the bank continued to loan funds. But this institution from the locality of its situation and the want of the facilities proposed by the bill, has itself become an engine of oppression, and must, in the opinion of your com-

mittee, be held in utter detestation by a large portion of your citizens, unless the intolerable inconveniences of its present operations, shall have been removed.

As to the practicability of the scheme proposed by the bill, your committee can have no doubt. They refer to the bank of Kentucky and the mode in which its concerns now are and for some years past have been drawing to a close. It is by the withdrawal of its branches and the appointment of agents as proposed by the bill under consideration. To exemplify the course taken by this bank, your committee refer to a letter written on the subject, by the President of the bank of Kentucky, to the Chairman of this committee, and make the same part of this report, marked A.

Your committee, therefore, recommend the passage of the following resolution, to-wit:

Resolved, That said bill ought to pass.

[A]

The business of the former branches of the bank of Kentucky, is thrown into three districts, to each of which an agent is attached.

The business of the principal office is, as heretofore, superintended by the officers attached to that office.

The concerns of the Lexington, Winchester, Paris, Washington and Richmond branches constitute the first district.

Those of Danville, Springfield, Bardstown, Louisville and Shelbyville, the second district.

And those of Glasgow, Russellville and Hopkinsville, the third district.

The duties of the agency consists in renewing notes, collecting and paying over monies, strengthening and securing debts, managing and superintending the real estate and attending to and bringing to a close such claims as may be thrown into the courts of justice.

The notes are made renewable every 120 days. There are in each district as many points designated for renewing notes as there were formerly branches therein.

The notes are generally renewable at the place where originally contracted.

The agents visit these points three times the year, if not oftener, and on the respective days for renewal.

Catalogues of all the business arising within the district at the several points of renewal, are made out, signed and receipted by the agents, who are furnished with copies thereof.

Upon the copies he sets down, in an appropriate column, his collections opposite to the debts upon which collected.

Upon the close of his tour, he renders an account of his agency and pays up and settles for all monies received and collected by him.

The agents of the second and third districts have complained of the heaviness of the labors devolved upon them, as being more than could be advantageously performed by any one man.

Those of the first district are perhaps not so burdensome.

The heaviness of the labors does not arise out of the regular business of renewing notes; it is the cases in litigation which produces it. The attending sales, the settlement with collecting officers, the assiduity, and attention, and diligence necessary to guard against the delays, the subterfuges and the chicanery incident on litigation, are engrossing of time and annoying in the extreme. The expenses of litigation are enormous. Able counsel must be had or the bank interest will be overlooked; their compensation must be somewhat correspondent to their standing. The summoning of witnesses, the expenses of having them in attendance, the attending of sales, the disappointments consequent upon such attendance, produce, altogether, an accumulation of costs and expenses highly onerous to the bank.

My own experience has taught me, that a resort to the courts of justice, under the present state of things, is almost the last step which ought to be taken.

My impressions are, that the agencies as at present constituted, are adequate to the business of the bank, if well attended to; but if so attended, there will be but little leisure on hand or time to devote to other pursuits.

DECEMBER 27th, 1826.

DEAR SIR—Above you have such items of information, in relation to the agencies to the bank of Kentucky, as you appeared in conversation, the other day, to wish to be put in possession of—If they are not as full as you desire, or if information on other points is wanted, the deficiency will most cheerfully be remedied, as far as lays in my power, upon the proper suggestion.

Respectfully,

J. HARVIE.

Mr. Carneal moved to lay the said report and bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McConnell and Carneal, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Cunningham, Daniel, Daveiss, Dudley, Given, J. Hughes, Locker, Lockett, Mayo, O'Bannon, Pope, Selby, M. H. Wickliffe and Yancey—20.

NAYS—Messrs. C. Allan, Crutcher, Faulkner, Gibson, Green, Garrard, Hickman, A. S. Hughes, McConnell, Muldrow, Slaught-ter, Stephens, Ward, White and Woods—15.

Mr. Dudley read and laid on the table the following resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Attorney General be, and he is hereby directed to take such steps as he may deem expedient, to procure a settlement with all persons who have received books belonging to the public, and failed to account for the same, and if necessary, to institute a suit or suits, and to compela settlement of their respective accounts.

The amendments proposed by the House of Representatives, to a bill from the Senate, entitled, an act allowing additional justices of the peace and constables to certain counties;

Were twice read and concurred in, with an amendment.

Ordered, That Mr. McConnell inform the House of Representatives thereof, and request their concurrence in the said amendment.

A bill to alter the time of the annual meeting of the General Assembly, was read the second time as follows, to-wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the General Assembly shall meet on Monday in next, any law to the contrary notwithstanding.

Mr. Beaty moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cockerill and Lockett, were as follows, viz:

YEAS—Messrs. J. Allen, Barrett, Beaty, Carneal, Cunningham, Daniel, Faulkner, Gibson, Garrard, Given, J. Hughes, Lockett, McConnell, Muldrow, O'Bannon, Stephens, Ward, White and Woods—19.

NAYS—Messrs. C. Allan, Cockerill, Crutcher, Daveiss, Dudley, Green, Hickman, A. S. Hughes, Locker, Mayo, Selby, Slaughter, M. H. Wickliffe and Yancey—14.

An engrossed bill entitled, an act for the benefit of the clerk of the Lawrence circuit court;

Was read the third time.

Mr. Daveiss moved to amend the said bill by attaching thereto, the following engrossed clause by way of ryder, to-wit:

Be it further enacted, That any other clerk in this Commonwealth, who has failed to give bond, may execute bond in the same mannara's provided for by this act.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McConnell and Daveiss, were as follows to-wit:

YEAS—Messrs. Barrett, Carneal, Daniel, Daveiss, Dudley,

Given, A. S. Hughes, Locker, Mayo, Selby, Slaughter, Stephens and Yancey—13.

NAYS—Messrs. C. Allan, J. Allen, Beaty, Cockerill, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, J. Hughes, Lockett, M'Connell, Muldrow, O'Bannon, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—21.

Resolved, That the said bill do pass, and that the title be amended to read, an act for the benefit of the clerk of the Lawrence circuit court, and for other purposes.

Ordered, That Mr. M'Connell carry the said bill to the House of Representatives, and request their concurrence.

A bill concerning certain sheriffs, was read a second time, and on the motion of Mr. C. Allan, was laid on the table until the first day of June next.

A bill to amend the several acts more effectually to suppress the practice of dueling, was read the second time.

Mr. A. S. Hughes moved to amend the said bill by adding thereto, the following clause, to-wit:

That all laws now in force concerning duelling be, and the same are hereby repealed.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. A. S. Hughes and Green, were as follows, to-wit:

YEAS—Messrs. Beaty, Faulkner, Garrard, A. S. Hughes, Stephens and M. H. Wickliffe—6.

NAYS—Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Carneal, Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Dudley, Gibson, Green, Given, Hickman, J. Hughes, Locker, Lockett, Mayo, M'Connell, O'Bannon, Pope, Selby, Slaughter, Ward, White, R. Wickliffe, Woods and Yancey—29.

Ordered, That the said bill be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Stephens carry the said bill to the House of Representatives and request their concurrence.

The yeas and nays being required on the passage of the said bill by Messrs. Dudley and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, Beaty, Carneal, Crutcher, Cunningham, Daniel, Daveiss, Faulkner, Given, J. Hughes, Locker, Selby, Slaughter, Stephens, White, M. H. Wickliffe, Woods and Yancey—19.

NAYS—Messrs. J. Allen, Barrett, Cockerill, Dudley, Gibson,

Garrard, Hickman, Mayo, McConnell, Muldrow, O'Bannon and Ward—12.

Bills from the House of Representatives of the following titles, to-wit:

1. An act to allow additional trustees to the Seminary of New-Castle.
2. An act to encourage the publication of a digest of the decisions of the Court of Appeals of Kentucky.
3. An act to repeal the laws requiring property taken under execution to sell for three fourths of its value, and for other purposes.
4. An act for the benefit of the creditors of Margaret Roberts, deceased.
5. An act concerning county and circuit court clerks of this Commonwealth.
6. An act concerning the vacant lands of this Commonwealth, acquired by warrant, north of Walker's line.

Were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the first, fourth and fifth bills having been dispensed with, the fifth was committed to a select committee of Messrs. McConnell, R. Wickliffe and Lockett, and the fourth was amended.

Ordered, That the first and fourth bills be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with:

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. C. H. Allen carry the said bills to the House of Representatives and request their concurrence in the said amendment to the fourth bill.

A bill from the House of Representatives entitled "an act to restrict the county court of Jefferson in laying their levy, was read the first time.

And the question being taken on reading the same a second time, it was decided in the negative, and so the said bill was disagreed to.

Ordered, That Mr. A. S. Hughes inform the House of Representatives thereof.

Bills of the following titles:

1. A bill to authorize the Treasurer to exchange the silver in the Treasury for Commonwealth's bank paper.
2. A bill for the benefit of Samuel May and John S. Oakley.
3. A bill for the benefit of Samuel South.
4. A bill to regulate the mode of getting fuel for the General Assembly annually; and,

5. A bill to tax auction sales in this Commonwealth.

Were severally read the second time.

The first and fourth were ordered to be engrossed and read a third time to-morrow; the second was committed to a select committee of Messrs. Daveiss, Mayo and Beaty; the third to a select committee of Messrs. M'Connell, Dudley, Carneal, Daveiss and Pope; and the fifth to a select committee of Messrs. Dudley, Mayo, R. Wickliffe, Given and Woods.

An engrossed bill, entitled, an act to authorize the trustees of the town of Glasgow to sell certain streets and alleys in said town.

Was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Yancey carry the said bill to the House of Representatives and request their concurrence.

Bills from the House of Representatives, entitled:

1. An act concerning the court house and public square in the town of Eddyville, Caldwell county; and,

2. An act to authorize the sale of the lands of Fanny Hoy and Sophia H. Sullivan, and for other purposes;

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the former, and second reading of the latter bill having been dispensed with, the latter bill was committed to a select committee of Messrs. Woods, Green, Daniel and J. Hughes.

Resolved, That the former bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Given inform the House of Representatives thereof.

A message from the House of Representatives by Mr. Bainbridge.

Mr. Speaker—The House of Representatives have concurred in the amendments proposed by the Senate, to a bill from that house, entitled, "an act to erect and establish the county of Anderson out of parts of the counties of Franklin, Washington and Mercer.

And then he withdrew.

And then the Senate adjourned.

TUESDAY, JANUARY 16, 1827.

The Senate assembled.

Messages were received from the House of Representatives, announcing the passage of bills, by that body, of the following titles, to-wit:

An act for the benefit of Mathews W. and Henrietta Flournoy and Matilda Dillard.

An act for the benefit of the heirs of Robert K. Duvall and Willoughby Scott.

An act for the divorce of Pamela Lester.

An act to amend an act entitled, "an act to extend the powers of the trustees of Shippingport," approved 4th December 1822, and to increase the powers of said trustees; and,

An act for the divorce of Vachael Hobbs.

And of bills and a resolution which originated in the Senate, of the following titles:

An act to amend the law concerning the action of detinue.

An act for the benefit of the clerk of the Lawrence circuit court, and for other purposes.

An act to authorize sundry persons south of Walker's line to register their plats.

An act concerning the town of Carlisle.

And a resolution for the erection of a Tombstone in memory of Isaac Shelby, late Governor of Kentucky.

With amendments to the second and third bills.

Mr. Woods presented the petition of sundry persons, praying a general revision of the laws concerning the practice of attorneys at law.

Which was received, read and referred to the committee for courts of justice.

A message from the Governor, by Mr. Loughborough, assistant secretary.

Mr. Speaker—I am directed by the Governor to lay before the Senate a message in writing; and to inform the Senate, that on yesterday the Governor approved and signed enrolled resolutions, which originated in the Senate, entitled,

A resolution for fixing a day for the election of public officers:

And a resolution for burning a part of the notes of the bank of the Commonwealth of Kentucky.

And then he withdrew.

Mr. Ward from the select committee to whom was referred a bill for the benefit of Simon Kenton, reported the same with an amendment;

Which was twice read and concurred in.

Ordered, That the said bill be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Ward carry the said bill to the House of Representatives and request their concurrence.

Mr. Carneal from the select committee to whom was referred, the resolutions relative to the American Colonization Society, made the following report, to-wit:

The committee to whom was referred the memorial of the American Colonization Society, have had that subject under consideration, and now report:

That upon due consideration of the said memorial, and from all other information which your committee has obtained, touching that subject, they are fully satisfied that no jealousies ought to exist, on the part of this or any other slave-holding state, respecting the objects of this society or the effects of its labors.

Your committee are further well assured that the benevolent and humane purposes of the society and the political effects of those purposes are worthy the highest consideration of all Philanthropists and Statesmen in the Union, whether they be citizens of slave-holding or non-slave-holding states.

It is believed by your committee, that the memorial itself, is well calculated to present the subject in a proper point of view, and to interest the public mind in the laudable objects of that Society; they therefore refer to the same as part of this report:

Your committee recommend the adoption of the following resolutions:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they view with deep and friendly interest, the exertions of the American Colonization Society, in establishing an Asylum on the coast of Africa, for the free people of color of the United States; and that the Senators and Representatives in Congress from this state be, and they are hereby requested to use their efforts to facilitate the removal of such free persons of color as may desire to emigrate from the United States to the colony, and to insure to them the protection and patronage of the General Government, so far as shall be deemed consistent with the safety and interest of the United States.

Resolved, That the Governor be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

The said report was twice read and unanimously adopted.

Ordered, That Mr. Carneal carry the said preamble and resolutions to the House of Representatives and request their concurrence therein.

The said memorial referred to and made a part of the above report, is as follows, to-wit:

To the General Assembly of Kentucky, now in Session.

The American Colonization Society has been enabled by the liberal patronage of their fellow-citizens of the several states, to explore the coast of Africa to find an asylum to which the free coloured population of our country might be safely removed.

These labors, they have now the happiness of declaring, have, by the favor of Providence, been conducted to a successful issue: and they now present themselves before you, with the power of shewing, that all that could reasonably be expected to be done by their instrumentality, has happily been accomplished.

A colony of free colored persons from the United States, amounting to several hundred, has been planted on one of the most eligible situations upon the coast of Africa. The difficulties and dangers necessarily attendant upon such enterprizes, have been overcome: and they are now in the peaceful occupation and cultivation of a fertile and extensive territory, possessing every advantage for their own comfortable subsistence, and for carrying on an advantageous commerce with other parts of the world.

Every circumstance calculated to promote a rapid increase of population, is to be found connected with this settlement. The vast mass of inhabitants of this description in our country, their depressed and unfortunate condition among us, the continually decreasing expenses of transportation, their own desires to seek a home, with their brethren, in the land of their fathers, and the obvious interest of every portion of our community to aid and encourage them, give every reason to expect that emigration to Montserado, will only be limited by the capacity of the country to receive and subsist the Colonists.

And this capacity is almost unlimited—a climate suited to the constitutions of the descendants of Africa, a soil adapted to their wants, producing two crops of corn within the year, and rice almost without cultivation, whose forests abound in cotton, coffee, dye-woods, spices, and every tropical production: and such a country, thus abounding in resources for the subsistence of man, destitute of men, depopulated by the slave-trade, must invite, must admit and provide for, a more rapidly increasing population than has perhaps ever yet been witnessed.

Such is the situation, and such are the prospects of the establishment your memorialists have been enabled to make.—A private association of individuals can do little more.—The work now becomes too vast for their powers, too important to be trusted to any hands, save those, to whom, as guardians of the public, the great interests of the public are committed.

Your memorialists have long looked forward to the period that

has now arrived, and deliberately considered the duties it would impose upon them. In the discharge of these duties, they now appear before you, and make their appeal with confidence to the legislature of a state, many of whose citizens have already evinced their readiness to promote the success of the cause in which they have engaged.

They are already prepared to lay before the Congress of the United States, the work they have effected, and to call upon them, as representing the great body of the American nation, to take into their own hands, the consummation of an object, worthy of national patronage.

Whether the General Government of the United States will consider this a concern of national interest, to which the power and resources of the nation are to be applied, or as more proper for the consideration of the states, in their several capacities, it is not for your memorialists to determine. Their duty is to place it before all, who have the power to accomplish it, and to trust that the wisdom and patriotism of those to whom it is committed, will devise the most proper and effectual means for its success.

Should the state of Kentucky feel an interest in this great object, either as it affects her own prosperity or that of the Union, her able representatives in the national councils can speak her wishes: and should it become necessary for the several states to provide the means for its accomplishment, she can then apply her own power and resources in its behalf, to such extent and in such way as her interest and duty may demand.

It is with these views and for this purpose, that the American Colonization Society now proceeds in the course of its duties, to claim from the several states, their solemn consideration of this most interesting subject. They hope that, in doing so, they may be excused for endeavoring to offer some suggestions, applicable to the difference in situation and circumstances of the several states of the Union, in relation to their colored population.

The United States contain, dispersed in various proportions, among them, upwards of 250,000 free colored inhabitants. That their removal to the colony now established in Africa, would be a blessing to themselves and a relief to us, is too obvious to our feelings and interests to require argument. It is also evident that, notwithstanding all the impediments to emancipation in the slave states, and all the disadvantages attending such a condition, a great addition is annually made to this number.

If the Colony at Liberia becomes capable of drawing off, annually, portions of this population from the various states, so that it gradually diminishes and finally disappears from among them, and if those, who hereafter become free, are also thus disposed of, will not these states have attained, by this disincumbrance, a

great moral and political benefit, fully justifying even a considerable expenditure of their funds?

The amount of that expenditure may even now be calculated, though it is certain, that it will fall below any estimates that may be predicated upon the present cost of transportation.

The first emigrants cost the Society about fifty dollars, each, the last, about twenty. And when the vessels in which they embark, can return freighted with the African products, which the industry and enterprize of the Colonists will collect, it is certain that the mere subsistence during the passage, and for a few months afterwards, in the cheapest country upon earth, will constitute the sole expense.

And when this description of persons see, as they soon must, the great advantages of emigration, may not vast numbers of them be expected to provide for themselves, the means of transportation? Who can doubt this, that considers the great accession to the population of this country, annually made by the arrival among us, of the most destitute classes of foreigners, multitudes of whom only pay for their passage by their labor?

Those states, then, that at present labor under the disadvantages of such a population, can obtain relief; and at an expense not beyond its value. And if this was all—If a wretched outcast people should be thus made happy, and, not confining the blessings to themselves, should become a light to that land of darkness, to which we owe such a retribution for past wrongs; if a work thus beneficent to man and acceptable to God, can be made from materials not only useless but injurious where they are, there would be motive enough, excited by patriotism, benevolence and religion, to encourage us to such an effort.

In the course of its endeavors to interest the citizens of the different states in favor of this object, the Society has had to encounter, and in some degree, still has to encounter, an opposition arising from the most contradictory objections.

They have been denounced by some as fanatical and visionary innovators, pursuing, without regard to means or consequences, an object destructive of the rights of property, and dangerous to the public peace. While others have looked upon them as a mercenary and selfish association, which, regarding the free people of color as impediments to the profitable use of their slave property, sought, by removing it, to rivet the chains of slavery.

The Society would conciliate, if possible, these opposing opponents. They doubt not the sincerity and good intentions of both of them, and trust that time and experience will do, what their assurances may now be unable to effect, remove the apprehensions of the one and the suspicions of the other.

The sole object of the Society, as declared at its institution, and from which it can never be allowed to depart, is "to remove,

with their own consent, to the Coast of Africa, the free colored population, now existing in the United States, and such as hereafter may become free." That such a removal is practicable, and would be highly beneficial, both to the subjects of it and to ourselves, seems now scarcely to admit of a question—What its effects might be in relation to another class of our colored population, and those who lawfully hold them as their property, must of course be more doubtful. But that such effects would be injurious to either, seems by no means probable. That it would tend to mitigate the evils of slavery, and offer facilities and inducements to voluntary emancipation, seems almost certain: and it cannot be doubted but that this may be done without impairing the rights of property or the safety of society. Whatever influence then it may have upon the question of slavery, must be a beneficial influence, and cannot therefore be considered as an objection against it. That every measure which either directly or indirectly affects this delicate question of slavery, should be managed with the greatest care and circumspection, must be conceded. But it cannot be reasonable to insist that, every measure, however important and beneficial, is to be denounced, because it may in its consequences, lead to a removal of the obstructions to voluntary emancipation, and act favorably upon the state of slavery.

In pursuing their object, therefore (although such consequences may result from a successful prosecution of it,) the Society cannot be justly charged with aiming to disturb the rights of property or the peace of society—Your memorialists refer with confidence to the course they have pursued, in the prosecution of their object for nine years past, to shew that it is possible, without danger or alarm, to carry on such an operation, notwithstanding its supposed relation to the subject of slavery, and that they have not been regardless, in any of their measures, of what was due to the state of society in which they live. They are, themselves, chiefly slave-holders, and live, with all the ties of life binding them to a slave holding community. They know when to speak and when to forbear upon topics connected with this painful and difficult subject. They put forth no passionate appeals before the public, seek to excite no feelings, and avoid, with the most sedulous care, every measure that would endanger the public tranquillity—they could have obtained friends and resources by such appeals, but they seek nothing at any hazard, and prefer that their work should advance slowly, or even stand still for a season, rather than that it should make its way by any means calculated to excite dangerous discontents in one class, or just apprehensions in the other.

Yet on such occasions as the present, when they who are engaged to watch over the public welfare, are to be invited to ex-

amine and consider this great subject in all its connections; it cannot be inconsistent with the Society's declared object, or any of its duties, to endeavor to shew, that nothing injurious or dangerous need be apprehended, either from the measure itself or any of its consequences.

If it be said that this subject of slavery is to be so respected, that no purposes of public benefit, no matter how remotely connected with it, or how favorable they may operate upon it, must ever be touched, even with the greatest discretion; it may be asked what is to happen if all matters thus related to it, are never to be touched? If we could prevent the utterance of a word, or the rising of a thought that might call up this fearful subject forever, what would be our gain from this insensibility? We could gain nothing, if we could stifle thought and enquiry—but thought and enquiry, and effort upon such subjects, in such an age as this, are not to be stifled. Who does not see in the times in which we live, when a new impulse seems to be awakened in man, and just conceptions of his rights and of his duties are calling forth all the energies of his nature, that there is nothing left but to guide with a steady hand the spirit of improvement, and direct its operations to such results, as may conduce to the general welfare?

If discreet and prudent measures are to be forborne, because their consequences may lead to a diminution of the evils of slavery, what shall restrain the inconsiderate, dangerous, and direct efforts that may be made upon the subject itself?—And if, therefore, it can neither be let alone, nor rashly dealt with, what remains but that those who feel and understand it; those, who from habit, situation and interest, know all its bearings and connections, should be allowed to prosecute a useful object, although thus connected, and conduct it with the care and caution it requires? And if its consequences shall lead to the supposed conclusion, shall open a way, without violating the rights of any, to deliver us from a still greater evil, is it an objection that can be urged against its prosecution?

To those who charge the Society with the contrary motive of designing to perpetuate slavery, they would beg leave to say, that it is not reasonable to infer such purpose, from the circumstance of the Society's confining its operations to the free people of color. The Managers could, with no propriety, depart from their original and avowed purpose, and make emancipation their object. And they would further say, that if they were not thus restrained by the terms of their association, they would still consider any attempts to promote the increase of the free colored population by manumission, unnecessary, premature and dangerous.

They hope that more correct views are now entertained

throughout our country, of the manner in which all subjects, in any way connected with slavery, should be considered and conducted.

It seems now to be admitted that, whatever has any bearing upon that question, must be managed with the utmost consideration; that the peace and order of society must not be endangered by indiscreet and ill-timed efforts to promote emancipation; and that a true regard should be manifested to the feelings and the fears, and even the prejudices of those, whose co-operation is essential.

The Managers of the Society perceive with gratification, that these considerations begin to be felt and appreciated in those states where slavery is only heard of, and where perhaps the perplexities of its operations upon society, and the necessities it creates and imposes, have not been generally understood.

From the situation of the Society, and its constant intercourse with the citizens of some of the slave states, they have had abundant opportunities of witnessing the progress of opinion upon this subject, and of accurately knowing its present state. They are convinced, that there are now hundreds of masters who are so only from necessity, who are prepared to manumit their slaves, whenever means are provided for their reception and support in the Colony; and they believe that this disposition, even without any legislative enactments, will increase far more rapidly, than the means for its gratification can be afforded.

They trust, therefore, that the object which they have endeavored to place before the American people, and which is now proved to be attainable, will be found interesting to every portion of our country, and that no apprehensions of any evil consequences to result from it, can be reasonably entertained.

To those, therefore, whom Kentucky has selected as the guardians of her interests, your Memorialists beg leave to commit this important subject, trusting that their wisdom will devise the means by which the work they have thus far accomplished, may be made to promote those interests, and the common welfare of our country.

Mr. Given from the joint committee of enrollments reported, that the committee had examined enrolled bills of the following titles, to-wit:

An act to establish the county of Anderson out of parts of the counties of Franklin, Washington and Mercer.

An act to allow additional trustees to the Seminary of New-Castle.

An act concerning the court house and public square in the town of Eddyville, Caldwell county.

An act further to regulate the sale of land west of the Tennessee river.

And had found the same truly enrolled.

A message was received from the House of Representatives announcing that their Speaker had signed the said bills.

Whereupon the Speaker of the Senate signed the same, and they were delivered to the joint committee to be laid before the Governor.

After a short time Mr. Given reported that the committee had performed that duty.

Mr. J. Hughes from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act to authorize the sale of the lands of Fanny Hoy and Sophia H. Sullivan, and for other purposes;" reported the same with amendments.

Which were twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title be amended to read, an act to authorize the sale of the lands of Sophia H. Sullivan, and for other purposes.

Ordered, That Mr. J. Hughes inform the House of Representatives thereof, and request their concurrence in said amendments.

Mr. Dudley from the select committee to whom was referred, a bill to tax auction sales in this Commonwealth; reported the same with an amendment.

Which was twice read and concurred in.

On the motion of Mr. M. H. Wickliffe, the said bill was laid on the table until the first day of July next.

Mr. M'Connell from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act concerning county and circuit court clerks of this Commonwealth;" reported the same with amendments;

Which were twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title be amended to read, an act regulating the times of performing certain duties in the Auditor's office.

Ordered, That Mr. M'Connell inform the House of Representatives thereof, and request their concurrence in said amendments.

Mr. Dudley read and laid on the table the following resolutions, to-wit:

Resolved by the General Assembly of the Commonwealth of Ken

tucky, That the Public Printing of this Commonwealth be divided as follows, viz:

Part I. The Journals of both Houses, the documents inserted in the Journals and ordered to be printed separately, non-residents' list, and public advertisements.

Part II. The Acts of Assembly, Rules of both Houses, Bills, Rolls of Members of both Houses, List of Acts, and Blanks for public offices.

The rule of the Senate having been dispensed with, the said resolution was taken up and twice read.

Mr. C. Allan moved to lay the same on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. C. Allan and R. Wickliffe, were as follows, to-wit:

YEAS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, Lockett, McConnell, Muldrow, Stephens, Ward, White, R. Wickliffe and Woods—17.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Carneal, Cockerill, Daniel, Daveiss, Dudley, Given, A. S. Hughes, J. Hughes, Locker, Mayo, O'Bannon, Pope, Selby, Slaughter, Smith, M. H. Wickliffe, Wood and Yancey—21.

The question was then taken on the adoption of the said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Yancey and Dudley, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Carneal, Cockerill, Daniel, Daveiss, Dudley, Given, A. S. Hughes, J. Hughes, Locker, Mayo, O'Bannon, Pope, Selby, Slaughter, Smith, Stephens, M. H. Wickliffe, Wood and Yancey—22.

NAYS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, Lockett, McConnell, Muldrow, Ward, White, R. Wickliffe and Woods—16.

Ordered, That Mr. Pope carry the said resolution to the House of Representatives and request their concurrence therein.

Bills from the House of Representatives, entitled,

1. An act regulating injunctions and other restraining orders in chancery suits, and for other purposes.

2. An act requiring the judge of the ninth judicial district to hold a chancery term for the county of Jessamine; and,

3. An act to incorporate the Maysville and Lexington Turnpike Road Company.

Was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, the first was committed to a select committee of Messrs. C.

Allan C. H. Allen, R. Wickliffe and Daveiss; the second to a select committee of Messrs. Daveiss, Muldrow and R. Wickliffe; and the third to a select committee of Messrs. A. S. Hughes, M'Connell, Hickman and R. Wickliffe.

Mr. Crutcher from the joint committee appointed to examine the bank of Kentucky, made the following report, to-wit:

The joint committee raised to examine the Bank of Kentucky, have performed that duty, and make the following report, viz:

A Statement of the situation of the Bank of Kentucky, December 30th, 1826.

DEBTOR.

Due to other Banks,	-	-	-	-	9,242	59
Notes issued,	-	-	-	-	83,375	14
Surplus profits,	-	-	-	-	235,001	52
Current profits since 1st July,	-	-	-	-	17,648	62
Stock,	-	-	-	-	828,552	00
Stock, (residuary,)	-	-	-	-	196,960	00
Treasurer United States,	-	-	-	-	27,363	12
Due to individuals,	-	-	-	-	253,273	95
						<hr/>
						\$1,651,416 94

CREDITOR.

Current expenses since 1st July,	-	-	-	-	6,611	30
Due from other Banks,	-	-	-	-	2,945	92
Real Estate,	-	-	-	-	396,863	38
Due from individuals,	-	-	-	-	1,109,458	82
Defalcations at the Branches,	-	-	-	-	29,870	11
Cash on hand, viz:	-	-	-	2,515	38	
Notes of other Banks,	-	-	-	2,477	25	
Kentucky Notes,	-	-	-	44	75	
Commonwealth's Bank Notes,	-	-	100,627	03	105,664	41
						<hr/>
						\$1,651,416 94

The Bank holds notes for rent of property, which have not been carried into the general accounts, amounting to

\$8,829 00

We were informed by the President, that some time since the Cashier discovered a deficit in his cash accounts, in specie to the amount of \$779, and in Commonwealth Bank Notes \$2,568 65; and after a full examination of his books, became satisfied that it had been stolen from the bank. The suspicions of the officers were immediately directed to their Porter, John Taylor, who, about the 1st instant, confessed the fact. The bank has been able to secure the amount of the specie deficit, in cash and a mortgage on a negro girl, and a cash bond. For the deficit in Commonwealth's paper, they have not been able to secure any

indemnity. It may not, however, be improper to state, that some years since, a surplus of cash appeared in the bank, which was charged to the account of the Cashier, which more than covers the recent deficit of Commonwealth paper, which was, by order of the board, entered to the credit of the Cashier. We esteem it due to the House, before closing this report, to state, that we were not able strictly to comply with the resolution under which we acted, in counting the whole of the cash on hand: it would have protracted our labors to a period beyond that at which we anticipated the legislature would rise.

JAS. CRUTCHER, *Ch. Senate.*

SAM'L W. WHITE,

DICKSON GIVEN,

CHILTON ALLAN.

G. MORRIS, *Ch. House of Rep.*

ROBT HARRIS,

RICHARD FORREST,

JOHN YANTIS,

WM. SPALDING.

A bill making an appropriation to defray the expenses of running and marking the chartered line between this state and the state of Tennessee, was taken up and again read as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Thomas J. Matthews is allowed the sum of *two thousand one hundred and one dollars sixty-two and one half cents*, for his services as Mathematition and to defray the expenses of the surveyor, chain carriers, line markers, provision packers, horses, &c. for running and marking the chartered line, in the latitude of $36^{\circ} 30'$ north, between this state and the state of Tennessee, under an act of the last session of the General Assembly of this state, approved 21st December, 1825; and the Auditor is hereby authorized and directed, upon application of the said Matthews, to issue his warrant upon the Treasury for the same.

Mr. Crutcher moved to amend the said bill by striking out the words "two thousand one hundred and one dollars sixty-two and a half cents," and to insert, one thousand six hundred and fifty-one dollars.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Crutcher and Cockerill, were as follows, viz:

YEAS—Messrs. Cockerill, Crutcher, Gibson, Hickman, J. Hughes, M'Connell, O'Bannon and Stephens—8.

NAYS—Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Beaty, Daniel, Garrard, A. S. Hughes, Lockett, Mayo, Muldrow,

Pope, Selby, Slaughter, Smith, Ward, White, R. Wickliffe, Woods, Wood and Yancey—21.

Ordered, That the said bill be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Beaty inform the House of Representatives thereof, and request their concurrence.

A message was received from the House of Representatives, announcing the passage of a bill, by that body, entitled, "an act supplemental to an act entitled, 'an act to erect and establish the county of Anderson out of parts of the counties of Franklin, Washington and Mercer.'"

Bills from the House of Representatives of the following titles:

1. An act to establish an additional judicial district, and to change the time of holding certain circuit courts; and,
2. An act supplemental to an act, entitled, "an act to erect and establish the county of Anderson out of parts of the counties of Franklin, Washington and Mercer."

Were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the latter bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Dudley inform the House of Representatives thereof.

An engrossed bill entitled, an act concerning conveyances; Was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Hickman carry the said bill to the House of Representatives and request their concurrence.

The Senate then proceeded to the election of public officers for the ensuing year, and after receiving and exchanging nominations with the House of Representatives, for a Treasurer, Public Printer, a president and directors of the bank of Kentucky, a president and directors of the bank of the Commonwealth of Kentucky, and a president and directors of the several branches of the bank of the Commonwealth of Kentucky, and taking a vote thereon; and appointing a committee on the part of the Senate, to meet a committee from the House of Representatives to compare the joint vote, and report the state thereof to each house,

The Senate adjourned.

WEDNESDAY, JANUARY 17, 1827.

The Senate assembled.

Mr. Daveiss from the joint committee appointed to compare the joint vote for public officers, for the ensuing year, reported:

That for Treasurer, James Davidson received 114 votes—Being a majority of all the votes given, he was declared duly elected Treasurer of this Commonwealth for the ensuing year.

That for Public Printer, Jacob H. Holeman received 70 votes; Amos Kendall, Robert Johnson and Albert G. Meriwether, 56 votes, and James G. Dana and Albert G. Hodges, 5 votes—A majority of all the votes given, appearing in favor of Jacob H. Holeman, he was declared duly elected Public Printer for the ensuing twelve months.

That for President of the Bank of Kentucky, John Harvie received 109 votes—Being a majority of all the votes given; he was declared duly elected.

For directors of the Bank of Kentucky, Robert Alexander, Daniel Weisiger, Peter Dudley and Nathaniel Hart, each received 123 votes—Being a majority of all the votes given they were declared duly elected.

For President of the Bank of the Commonwealth, Oliver G. Waggener received 72 votes, Daniel Weisiger 48 votes, and Thomas Triplett 14 votes—A majority of all the votes given appearing in favor of Oliver G. Waggener, he was declared duly elected.

For Directors Bank of the Commonwealth—James Shannon, 12; Benjamin Johnson, 50; G. E. Russell, 52; Robert Johnson, 108; F. P. Blair, 54; J. G. Roberts, 55; B. Hickman, 22; E. Evans, 2; Jacob Swigert, 85; James Downing, 28; William Gerard, 74; Willis Fields, 120; George B. Knight, 123; Price Nuttall, 117; J. Wright, 107; W. O. Butler, 107; L. Wilkinson, 17; H. Wingate, 41; John J. Crittenden, 110; Jos. Smith, 72; Thomas S. Page, 75; James Davidson, 65; A. W. Dudley, 34—A majority of all the votes given appearing in favor of *George B. Knight, Willis Field, Price Nuttall, John Wright, W. O. Butler, J. J. Crittenden, Robert Johnson, Jacob Swigert, Ambrose Dudley, Thomas S. Page, William Gerard and Joseph Smith*, and they having the highest number, they were declared duly elected.

That the following gentlemen each received an unanimous vote as Presidents and directors of the several Branches of the Bank of the Commonwealth of Kentucky, and they were, thereupon, declared duly elected, to-wit:

Flemingsburg Branch—William P. Fleming, President; George W. Botts, John D. Stockton, James Alexander, William Goddard, James Morris, Charles Ward, Aaron Owens, Larkin Anderson and John Dougherty, Directors.

Falmouth Branch—Francis Chalfant, President; Ja. Wilson, James Naylor, John McKey, Thomas G. Hall, Wm. W. Southgate, Lewis Webb, Enoch Worthen and Absalom Skervin, Directors.

Winchester Branch—James Anderson, President; L. Grigsby, John Dudley, Colby H. Taylor, Charles C. Moore, W. Jones, Willis Young, Henry T. Duncan and Benjamin Straughan, Directors.

Lexington Branch—John Brand, President; A. McClure, D. Megowan, D. McC. Payne, Thomas H. Pindle, Matthew Kennedy, D. Thompson, E. Craig and Samuel Penn, Directors.

Louisville Branch—Worden Pope, President; Levi Tyler, Jas. Rudd, James Harrison, Craven P. Luckett, P. R. Thompson, John Kercheval, Edward Myles, Benjamin Helm and Abraham Fields, Directors.

Princeton Branch—John H. Phelps, President; Jer'h. Rucker, E. Prince, L. McMurtry, R. C. Bigham, Samuel Woodson, Wm. Devenport, John McGahan and John D. Goren, Directors.

Greensburgh Branch—John Barrett, President; Joseph Akins, E. Creel, P. B. Atwood, J. Lasly, Ignatius Hazle, J. Alexander, N. Gaither, T. J. Helm, W. E. Munford and Radford Maxey, Directors.

Hartford Branch—Charles Henderson, President; Benjamin Smith, R. L. Walker, J. H. McHenry, Jesse Moseley, J. H. Davis, William Pollard, J. Murry, J. Rogers, James Hillyer and John Field, Directors.

Bowlinggreen Branch—John Loving, President; James T. Morehead, Asher W. Graham, Alexander Graham, John Keel, Samuel Moore, William Carson, Thomas Hail and David Caldwell, Directors.

Mountsterling Branch—Samuel D. Everett, President; Thomas O. Barnes, Marcus Thomas, Clement Conner, Charles Glover, Putnam Ewing, William Ward, Samuel May and Thomas F. Hazlerig, Directors.

Harrodsburg Branch—Beriah Magoffin, President; Joel P. Williams, David Sutton, Christopher Chinn, Jesse Head, Jesse Coffey, Joseph Hopper, Thomas E. West and Thomas Head, Directors.

Somerset Branch—William Fox, President; Joseph Porter, B. Goggin, John Evans, Henry James, Charles Hays, Benjamin Eve, Thales Huston, John Crisman and James Terrel, Directors.

Mr. C. Allan from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act regulating injunctions and other restraining orders in chancery suits, and for other purposes; reported the same without amendment.

Ordered, That the said bill be read a third time to-morrow.

Mr. Daveiss from the select committee to whom was referred, a bill to appropriate certain lots in Danville, which have escheat

ed to this Commonwealth; reported the same without amendment.

Mr. Beaty moved an amendment thereto.

Mr. Woods moved to lay the said bill and amendments on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative; the Senate being equally divided the Speaker voted in the negative.

The yeas and nays being required thereon by Messrs. Cockerill and Woods, were as follows, to-wit:

YEAS—Messrs. C. Allan, Beaty, Cockerill, Crutcher, Cunningham, Dudley, Faulkner, Locker, Lockett, Mayo, McConnell, Muldrow, O'Bannon, Selby, Stephens, M. H. Wickliffe and Woods—17.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Carneal, Daniel, Daveiss, Gibson, Green, Garrard, Given, A. S. Hughes, J. Hughes, Slaughter, Smith, White, Wood and Yancey—17.

Mr. Woods then moved to lay the same on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Woods and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. Allan, Beaty, Carneal, Cockerill, Crutcher, Cunningham, Dudley, Faulkner, Given, Locker, Lockett, Mayo, McConnell, Muldrow, O'Bannon, Selby, Stephens, M. H. Wickliffe, Woods and Yancey—20.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Daniel, Daveiss, Gibson, Green, Garrard, Hickman, A. S. Hughes, J. Hughes, Slaughter, Smith, White and Wood—15.

A message in writing was received from the Governor by Mr. Loughborough, assistant secretary.

Mr. C. H. Allen from the committee for courts of justice, made the following report, to-wit:

The committee for courts of justice have, according to order, had under consideration the petition of Willis Beagly, to them referred, praying that a law may pass authorizing a change of venue, for his trial, from the circuit of Lincoln county to the county and circuit of Woodford, and have come to the following resolution thereon, to-wit:

Resolved, That the said petition *is reasonable*.

Which being twice read was disagreed to.

Messages were received from the House of Representatives, announcing the passage of bills, by that body, of the following titles, to-wit:

An act to amend the laws in relation to absent defendants.

An act to declare certain streams in this Commonwealth, navigable.

An act to regulate the appropriation of fines and forfeitures in the county of Mason.

An act to amend an act entitled, "an act to establish a turnpike by the way of Williamsburg Whitley county," approved December 9, 1820.

And a resolution concerning the establishment of a mail line between Louisville and New-Orleans, on the Ohio and Mississippi rivers.

And of bills which originated in the Senate of the following titles, to-wit:

An act for the benefit of Hay Battaile and others.

An act for the benefit of Thomas Skaggs; and,

An act to regulate the militia correspondence of this Commonwealth.

Mr. Dudley from the joint committee of enrollments reported, that the committee had examined an enrolled bill, entitled, an act to amend the law concerning the action of detinue; and,

Enrolled resolutions for the erection of a Tombstone in memory of Isaac Shelby, late Governor of Kentucky;

And had found the same truly enrolled.

A message was received from the House of Representatives announcing that their Speaker had signed the same;

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the joint committee to be laid before the Governor.

After a short time Mr. Dudley reported, that the committee had performed that duty:

On the motion of Mr. Carneal, leave was given to bring in a bill to amend the act establishing the town of Covington, approved December 14, 1825.

And Messrs. Carneal, McConnell, Green and Barrett were appointed a committee to prepare and bring in the same.

Mr. A. S. Hughes from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act to incorporate the Maysville and Lexington turnpike road company, reported the same without amendment.

The said bill being amended at the clerks table.

Ordered, That the said bill, as amended, be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. A. S. Hughes inform the House of Representatives thereof, and request their concurrence in the said amendments.

Mr. Daveiss from the select committee to whom was referred,

a bill for the benefit of Samuel May and John S. Oakley, reported the same with an amendment;

Which was twice read and concurred in.

The said bill as amended is as follows:

Whereas it is represented to the present General Assembly, that Samuel May and John S. Oakley did, in the year 1826, pursue William Holman, a fugitive from justice, through part of the state of Virginia into the state of Tennessee, and brought him to Estill court house in this state, where he was tried, found guilty of felony, and is now in the jail and Penitentiary house of this Commonwealth; Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That said Samuel May and John S. Oakley each be, and they are hereby allowed the sum of _____ dollars for apprehending and bringing back said William Holman; and the Auditor shall issue his warrant therefor, on the application of said May or Oakley, which shall be paid by the Treasurer out of any money in the Treasury not otherwise appropriated.

Whereas James Kirkpatrick in his lifetime, while jailor of Mercer county, advertised a reward of one hundred dollars for the retaking of Joseph Slovy and _____ who escaped from said jail, being confined therein upon a charge of felony, which said felons were retaken and convicted, and sent to the Penitentiary; and the said Kirkpatrick was afterwards sued in the Mercer circuit court, and judgment obtained for the sum of seventy-five dollars, which the said Kirkpatrick replevied, with a certain James Gilmore his security, which sum the said Gilmore has been compelled to pay owing to the death and insolvency of said Kirkpatrick.

Sec. 2. *Be it therefore further enacted,* That the Auditor of Public Accounts is hereby directed to issue his warrant upon the Treasury, in favor of the said Gilmore, for the sum of seventy-five dollars, for and on account of the aforesaid sum paid by the said Gilmore, as the security of the said Kirkpatrick as aforesaid.

And the question being taken on engrossing the said bill and reading it a third time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Cockerill, were as follows, viz:

YEAS—Messrs. Barrett, Beaty, Daniel, Garrard, Locker, Mayo, Pope and Selby—8.

NAYS—Messrs. C. Allan, C. H. Allen, J. Allen, Carneal, Cockerill, Crutcher, Cunningham, Daveiss, Dudley, Faulkner, Gibson, Green, Given, Hickman, A. S. Hughes, J. Hughes, McConnell, Muldrow, Slaughter, Smith, Stephens, White, M. H. Wickliffe, R. Wickliffe, Woods, Wood and Yancey—27.

Mr. Dudley from the select committee to whom was referred

a bill for the benefit of Samuel South, reported the same with an amendment.

The Senate proceeded to the consideration of the orders of the day.

The amendments proposed by the House of Representatives to bills of the following titles:

An act for the benefit of the clerk of Lawrence circuit court, and for other purposes; and,

An act to authorize sundry persons south of Walker's line to register their plats;

Were severally twice read and concurred in.

Ordered, That Mr. Daveiss inform the House of Representatives thereof.

Engrossed bills of the following titles, to-wit;

1. An act to amend the penal laws; and,

2. An act to Authorize the county courts of Wayne and Whitley counties, to appropriate land to open a road in said counties;

Were severally read the third time; the latter bill was recommended to a select committee of Messrs. Beaty, Garrard, Selby and Woods.

Resolved, That the former bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Yancey carry the said bill to the House of Representatives, and request their concurrence therein.

Bills of the following titles, to-wit:

1. A bill to authorize Christopher Haines and others to erect mill dams across Big Barren river; and,

2. A bill concerning the public ground in the town of Danville.

Were severally read the second time; the former was committed to a select committee of Messrs. A. S. Hughes, Cockerill, Yancey, Woods, Muldrow and O'Bannon; the latter being amended was ordered to be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title be amended by adding thereto, "and for other purposes."

Ordered, That Mr. Daveiss carry the said bill to the House of Representatives and request their concurrence therein.

Bills from the House of Representatives of the following titles, to-wit:

1. An act to allow an additional constable in the county of Boone.

2. An act to amend the law concerning the town of Henderson.

3. An act for the benefit of Frank Hogg and others.

4. An act to change the time of holding the Casey county court.

5. An act for the benefit of James Williamson and Sally Reynolds and others.

6. An act for the benefit of the representatives and securities of John Hackworth, deceased.

7. An act to establish certain inspections of Tobacco, Hemp and Flour in Pendleton county; and,

8. An act to add two additional justices of the peace in the county of Christian, and for other purposes;

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of 1st, 2d, 4th, 6th, 7th and 8th bills having been dispensed with, and the 8th bill having been amended.

Ordered, That the said bills be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said 1st, 2d, 4th, 6th and 8th bills having been dispensed with;

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Selby inform the House of Representatives thereof, and request their concurrence in the said amendments to the 8th bill.

Bills from the House of Representatives of the following titles, to-wit:

1. An act to annex part of Warren to Barren county.

2. An act for the benefit of certain sheriffs within this Commonwealth; and,

3. An act for the benefit of Thomas Cull late sheriff of Washington county.

Were severally read the third time, and the second amended by way of engrossed ryder.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Yancey inform the House of Representatives thereof and request their concurrence in the said amendment to the second bill.

The yeas and nays being required on the passage of the first bill by Messrs. Cockerill and Yancey, were as follows, to-wit:

YEAS—Messrs. J. Allen, Barrett, Beaty, Carneal, Crutcher, Cunningham, Daniel, Daveiss, Dudley, Faulkner, Green, Garrard, Hickman, A. S. Hughes, Locker, Lockett, Mayo, Pope, Slaughter, Smith, Stephens, White and Yancey—23.

NAYS—Messrs. Cockerill, Gibson, J. Hughes, M'Connell, O'Bannon, Selby, M. H. Wickliffe, Woods and Wood—9.

A bill from the House of Representatives, entitled, "an act to change the mode of taking in lists of taxable property;

Was read the first time.

Mr. Dudley moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Lockett and Carneal, were as follows, to-wit:

YEAS—Messrs. J. Allen, Beaty, Cockerill, Cunningham, Daniel, Daveiss, Dudley, Faulkner, Gibson, Garrard, Given, Hickman, A. S. Hughes, O'Bannon, Selby, Stephens, Woods and Yancey—18.

NAYS—Messrs. Barrett, Carneal, Crutcher, Green, J. Hughes, Locker, Lockett, Mayo, M'Connell, Pope, Slaughter, Smith, White, M. H. Wickliffe, R. Wickliffe and Wood—16.

Mr. Daveiss from the majority on the last vote moved a reconsideration thereof.

And the question being taken thereon, it was decided in the affirmative.

The Senate being equally divided, the Speaker voted in the affirmative.

The yeas and nays being required thereon by Messrs. Hickman and M'Connell, were as follows, to-wit:

YEAS—Messrs. Barrett, Carneal, Crutcher, Daveiss, Green, J. Hughes, Locker, Lockett, Mayo, M'Connell, Pope, Slaughter, Smith, White, M. H. Wickliffe, R. Wickliffe and Wood—17.

NAYS—Messrs. J. Allen, Beaty, Cockerill, Cunningham, Daniel, Dudley, Faulkner, Gibson, Garrard, Given, Hickman, A. S. Hughes, O'Bannon, Selby, Stephens, Woods, and Yancey—17.

The question was again taken on laying the said bill on the table until the first day of June next, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Faulkner and Cockerill, were as follows, to-wit:

YEAS—Messrs. J. Allen, Beaty, Cockerill, Cunningham, Daniel, Dudley, Faulkner, Gibson, Garrard, Given, Hickman, A. S. Hughes, O'Bannon, Selby, Stephens and Yancey—16.

NAYS—Messrs. Barrett, Carneal, Crutcher, Daveiss, Green, J. Hughes, Locker, Lockett, Mayo, M'Connell, Pope, Slaughter, Smith, White, M. H. Wickliffe, R. Wickliffe, Woods and Wood—18.

Ordered, That the said bill be read a second time.

A bill from the House of Representatives, entitled, "an act to enable Elizabeth Hall executrix, and Nimrod Greenwood executor of William Hall deceased, to carry into effect the provisions of said decedents will, was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was committed to a select committee of Messrs. Daveiss, Green and Pope.

The message from the Governor received this day, was taken up and read as follows, to-wit:

Gentlemen of the Senate,

I nominate for your advice and consent, the following officers for the county of Anderson, formed at the present session, they having been recommended to me agreeably to the constitution, to-wit:

Jesse Guess, James M'Brayer, Dickson G. Dedman, Andrew M'Brayer, John Busey, John Wash, Christopher Lillard, Reuben Boston, John C. Richardson and Thomas Phillips, justices of the peace.

John F. Blackwell, Sheriff.

Ephraim Lillard, Coroner.

JOS. DESHA.

January 17, 1827.

Resolved, That the Senate advise and consent to the said appointments.

Ordered, That Mr. Dudley inform the Governor thereof.

The message from the Governor received on yesterday, was taken up and read as follows, to-wit:

Gentlemen of the Senate.

Having formed a new regiment in Boone county, out of part of the 67th, which is denominated the 120th, I nominate for your advice and consent, the following officers for the same, to-wit:

Thomas Nelson, Colonel.

Daniel Roberts, Lieutenant-Colonel.

John Ford, Major.

I also nominate for your advice and consent, Barnett Rogers, Lieutenant Colonel of the 67th regiment, vice Thomas Nelson, included in the new regiment.

Reuben Graves, Major of the 67th regiment, vice Barnett Rogers, if promoted.

JOS. DESHA.

January 16, 1827.

Resolved, That the Senate advise and consent to the said appointments.

Ordered, That Mr. Carneal inform the Governor thereof.

The message from the Governor received on the 13th instant, was taken up and read as follows, to-wit:

Gentlemen of the Senate,

I nominate for your advice and consent, Thomas Shadburne, Division Inspector of the 4th Division Kentucky Militia, vice Martin H. Wickliffe, resigned.

Stephen D. B. Stuart, Colonel of the 39th regiment, vice Robert Lewis, resigned.

James M'Kinney, Lieut. Colonel of the same regiment, vice Stephen D. B. Stuart, if promoted.

John Shaw, Lieut. Colonel of the 72d regiment, vice John Humphries, resigned.

Stephen Livingston, Major of the 22d regiment, vice Jonathan Karsner, removed.

Leslie Combs, Colonel of the 42d regiment, vice Henry Beard, resigned.

Francis M'Lear, Lieut. Colonel of the same regiment, vice Leslie Combs, if promoted.

James M. Pike, Major of the same regiment, vice Francis M'Lear, if promoted.

Bennett G. Calvert, Major of the 40th regiment, vice William Campbell, promoted.

George Shackelford, Colonel of the 7th regiment, vice Joseph Straughan, resigned.

John Tribble, Lieut. Colonel of the same regiment, vice George Shackelford, if promoted.

Thomas Lindsay, Major of the same regiment, vice John Tribble, if promoted.

Peter Oatman, Major of the 57th regiment, vice John A. Dunn, removed.

Daniel Sybert, Brigade Quarter-Master of the 18th Brigade.

James Forbes, Brigadier General of the 20th Brigade, vice John Gorin, resigned.

Samuel Anderson, Colonel of the 45th regiment, vice James Forbes, if promoted.

James Jolliff, Lieut. Colonel of the same regiment, vice Samuel Anderson, if promoted.

James W. Tyler, Major of the 33d regiment, vice Stephen Ormsby, removed.

Richard Fryer, Major of the 1st regiment, vice John Doup, promoted.

JOS. DESHA.

January 13th, 1827.

Resolved, That the Senate advise and consent to the said appointments, except to that of Richard Fryer Major of the 1st regiment, vice John Doup promoted.

Ordered, That Mr. M. H. Wickliffe and Dudley inform the Governor thereof.

The said nomination of Richard Fryer, Major of the first regiment, was committed to a select committee of Messrs. J. Hughes, Faulkner, Carneal and M'Connell.

The message from the Governor, received on the 9th inst. was taken up and read as follows, to-wit:
Gentlemen of the Senate,

I nominate for your advice and consent, Thomas B. Monroe, Esq. to be commissioned for the legal term, Reporter of the decisions of the Court of Appeals.

January 9th, 1827.

JOS. DESHA.

On the motion of Mr. M'Connell, the said nomination was laid on the table till to-morrow.

And the Senate adjourned.

THURSDAY, JANUARY 18, 1827.

The Senate assembled.

Mr. C. H. Allen from the committee for courts of justice to whom was referred, a bill from the House of Representatives, entitled, "an act for the benefit of the infant children of James Johnson, deceased; reported the same without amendment.

Ordered, That the said bill be read a third time to-morrow.

Messages were received from the House of Representatives, announcing the passage of bills, by that body, of the following titles, to-wit:

An act more certainly to establish the county line between the counties of Shelby and Spencer.

An act to authorize the citizens of the county of Oldham to select by vote, a permanent seat of justice.

An act providing for the improvement of the road leading from Louisa in Lawrence county, by West Liberty, to the Beaver Iron Works; and,

An act concerning the Lunatic Asylum.

And of a resolution concerning the office of the receiver of public monies for the land district west of the Tennessee river.

And of bills from the Senate of the following titles:

An act concerning the public ground in the town of Danville, and for other purposes.

An act to regulate Ferries on the Tennessee river and part of the Cumberland river.

An act to authorize the clerk of Logan county court to have rebound certain record books, and for other purposes; and,

An act to amend the penal laws; with an amendment to the latter bill.

Mr. Beatty from the select committee to whom was referred, an engrossed bill entitled, an act to authorize the county courts of Wayne and Whitley counties to appropriate land to open a road in said counties; reported the same with amendments;

Which were twice read and concurred in.

The first section of said bill reads as follows, to-wit:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That the county court of Wayne county is hereby authorized to have located, surveyed and patented, within the boundaries thereof, or within the territory between Walker's line, and the latitude $36^{\circ} 30'$ north, in the state of Tennessee, east of Cumberland river, _____ acres of the vacant land within said bounds, and that the justices of the peace of said county of Wayne, have power to sell and convey any part or the whole of the said _____ acres of land granted to them by this act, in the following manner, to-wit: the county of Wayne is hereby authorized to have located, surveyed and patented, _____ acres of the vacant lands within the above bounds, and to sell, convey and transfer the same to any purchaser or purchasers, and the money arising from the sales of said land, shall be applied to the opening said proposed road from the little south fork of Cumberland river, by Jonathan Blevins on Rock creek, thence to intersect the Goose creek Salt Work's road, at a point near Mash creek, in Whitley county.

Mr. Beaty moved to fill the said blanks with *three thousand*.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Beaty and Carneal, were as follows, viz:

YEAS—Messrs. C. Allan, J. Allen, Barrett, Beaty, Crutcher, Cunningham, Faulkner, Green, Garrard, Given, J. Hughes, Locker, Lockett, McConnell, Muldrow, O'Bannon, Selby, Smith, Stephens, Ward, White and Woods—22.

NAYS—Messrs. C. H. Allen, Carneal, Cockerill, Daveiss, Gibson, Hickman and M. H. Wickliffe—7.

Ordered, That the said bill, as amended, be engrossed and again read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed;

The question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Daveiss and M. H. Wickliffe, were as follows, to-wit:

YEAS—Messrs. J. Allen, Beaty, Crutcher, Cunningham, Daniel, Green, Garrard, Given, J. Hughes, Locker, Lockett, Mayo, McConnell, Muldrow, O'Bannon, Selby, Smith, Stephens, Ward, White and Woods—21.

NAYS—Messrs. C. Allan, C. H. Allen, Barrett, Carneal, Cockerill, Daveiss, Faulkner, Gibson, Hickman and M. H. Wickliffe—10.

Resolved, That the title of the said bill be, an act to authorize the county court of Wayne to appropriate land to open a road in said county.

Ordered, That Mr. Beaty carry the said bill to the House of Representatives and request their concurrence.

Mr Cockerill from the select committee to whom was referred, a bill to authorize Christopher Haines and others, to erect mill dams across Big Barren river; reported the same with amendments;

Which were twice read and concurred in.

Ordered, That the said bill, as amended, be engrossed and read a third time to-morrow.

Mr. Daveiss from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act to enable Elizabeth Hall executrix, and Nimrod Greenwood executor of William Hall deceased to carry into effect the provisions of the said decedent's will; reported the same with an amendment;

Which was twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time to-day.

Thereupon the said bill was read the third time;

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McConnell and Daveiss, were as follows, viz:

YEAS—Messrs. J. Allen, Barrett, Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Dudley, Green, Garrard, Given, J. Hughes, Locker, Muldrow, O'Bannon, Selby, Smith, Stephens, White, Woods and Wood—21.

NAYS—Messrs. C. Allan, C. H. Allen, Beaty, Carneal, Faulkner, Gibson, Hickman, Lockett, McConnell, Pope, Ward, M. H. Wickliffe and R. Wickliffe—13.

Ordered, That Mr. Daveiss inform the House of Representatives thereof, and request their concurrence in said amendment.

Mr. Dudley from the joint committee of enrollments reported, that the committee had examined enrolled bills of the following titles, to-wit:

An act for the benefit of the creditors of Margaret Roberts deceased.

An act for the benefit of the representatives and securities of John Hackworth deceased.

An act to amend the law concerning the town of Henderson.

An act allowing additional justices of the peace to certain counties in this Commonwealth; and,

An act to annex part of Warren to Barren county.

And had found the same truly enrolled.

Mr. Given from the same committee reported, that the committee had examined enrolled bills of the following titles, to-wit:

An act to allow an additional constable in the county of Boone.

An act supplemental to an act, entitled, an act to erect and establish the county of Anderson out of parts of the counties of Franklin, Mercer and Washington.

An act for the benefit of Thomas Cull, late sheriff of Washington county; and,

An act to change the time of holding the Casey county court. And had found the same truly enrolled.

A message was received from the House of Representatives, announcing that their Speaker had signed the said bills.

Whereupon the Speaker of the Senate signed the same, and they were delivered to the joint committee to be laid before the Governor.

After a short time Mr. Dudley reported that the committee had discharged that duty.

A message from the Governor, by Mr. Loughborough, assistant secretary.

Mr. Speaker—I am directed by the Governor to lay before the Senate two messages in writing, and to inform the Senate that on the 16th inst. the Governor approved and signed an enrolled bill which originated in the Senate, entitled; An act further to regulate the sale of land west of the Tennessee river.

On the 17th—An act to amend the law concerning the action of detinue.

And a resolution for the erection of a Tombstone in memory of Isaac Shelby, late Governor of Kentucky.

And then he withdrew.

A bill from the House of Representatives, entitled, "an act regulating injunctions and other restraining orders in chancery suits, and for other purposes; was read the third time.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. C. Allan inform the House of Representatives thereof.

The Speaker laid before the house the following communication, to-wit:

LEXINGTON, JANUARY 15, 1827.

SIR—I am directed by the board of trustees of Transylvania University, as their Chairman, to communicate to both branches of the legislature, intelligence of the resignation of Mr. Horace Holley, as President of that Institution, which communication, I beg leave to make to the Senate, through their Speaker.

As the University is the property of the state, and as this event may tend vitally to affect its best interests, it was deemed expedient to apprise the legislature now in session, of the fact, as it will enable them to adopt such measures as they may deem most advisable to avert the evils anticipated.

I am further directed by the board, to solicit the legislature, to

pass a law, authorizing the trustees of the town of Lexington, to levy an advalorem tax upon the property of the town, not exceeding \$1000, to be applied in enabling the trustees to employ a President or professor for the Institution. Any information the legislature may require on the subject, may be had from Messrs. John J. Crittenden, Thomas Bodley and Richard H. Chinn, who have been appointed a committee by the board of trustees for that purpose.

Very respectfully, your obedient servant.

JOHN BRADFORD, Chr. T. T. U.

The Honorable, the Speaker of the Senate.

A message from the House of Representatives by Mr. Bainbridge:

Mr. Speaker—The House of Representatives have concurred in the amendments proposed by the Senate to bills from that house of the following titles, to-wit:

An act for the benefit of certain sheriffs of this Commonwealth.

An act to incorporate the Maysville and Lexington turnpike road company.

An act to allow an additional justice of the peace for Henry county.

An act to add two additional justices of the peace in the county of Christian, and for other purposes.

An act concerning the county and circuit court clerks of this Commonwealth; and,

An act to authorize the sale of the lands of Fanny Hoy and Sophia H. Sullivan, and for other purposes.

And they have concurred in the amendments proposed by the Senate, upon concurring in the amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act allowing additional justices of the peace and constables to certain counties; and they have received official information that the Governor did, on the 15th inst. approve and sign enrolled bills which originated in the House of Representatives, entitled;

An act to render certain offices incompatible.

An act to authorize the appointment of a clerk for the Henry circuit court.

An act to authorize the appointment of additional justices of the peace and constables in certain counties.

An act to revive the *ca. sa.* on judgments in actions of Tort.

And on the 16th.

An act to erect and establish the county of Anderson out of parts of the counties of Franklin, Washington and Mercer.

An act concerning the court house and public square in the town of Eddyville, Caldwell county; and,

An act to allow additional trustees to the Seminary of New Castle.

And then he withdrew.

The amendment proposed by the House of Representatives to a bill from the Senate, entitled, an act to amend the penal laws; was twice read, and the first section of said amendment was amended and concurred in, the second section is as follows, viz:

Sec. 2. *Be it further enacted*, That from and after the passage of this act, on the trial of any criminal case, it shall not be held or considered a good cause of challenge to a venire man, that he has formed or expressed an opinion from mere *report or remour*; *Provided however*, Where any such venire man is under the influence of prejudice, or will not make an impartial tryer, it shall be judged of by the court, for that cause he shall be held an incompetent venire man; and *Provided further*, That nothing in this act shall be understood to affect any cause of challenge not herein particularly spoken of.

Mr. M'Connell moved to amend the said amendment by striking out the words "*report or*" printed in italics;

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Lockett and Hickman, were as follows, to-wit:

YEAS—Messrs. J. Allen, Barrett, Beaty, Carneal, Cockerill, Daniel, Daveiss, Dudley, A. S. Hughes, J. Hughes, Locker, M'Connell, O'Bannon, Pope, Selby, Smith and Wood—17.

NAYS—Messrs. C. Allan, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Given, Hickman, Lockett, Muldrow, Slaughter, Stephens, White and Woods—15.

The question was then taken on concurring in the said second section as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cockerill and Crutcher, were as follows, to-wit:

YEAS—Messrs. C. Allan, J. Allen, Beaty, Carneal, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Given, Hickman, J. Hughes, Lockett, M'Connell, Muldrow, Slaughter, Smith, Stephens, White, Woods and Wood—22.

NAYS—Messrs. Barrett, Cockerill, Daniel, Daveiss, Dudley, A. S. Hughes, Locker, O'Bannon, Pope and Selby—10.

Ordered, That Mr. M'Connell inform the House of Representatives thereof and request their concurrence in the said amendments

On motion—*Ordered*, That Mr. Mayo have leave of absence from the service of the Senate for the balance of the present session.

A bill for the benefit of Samuel South, was taken up and amended.

Ordered, That the said bill, as amended, be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision,

and third reading of said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Dudley carry the said bill to the House of Representatives, and request their concurrence.

A bill concerning the town of Germantown was read the second time, and amended.

Ordered, That the said bill, as amended, be engrossed and read a third time to-morrow.

A bill from the House of Representatives, entitled, "an act for the benefit of the surveyor of Pike county;" was read the third time.

Ordered, That the said bill be laid on the table until the first day of June next.

Bills from the House of Representatives of the following titles, to-wit:

1. An act for the benefit of Edmund M. Waggener and John Croghan.

2. An act providing for opening a state road from the turnpike between Georgetown and Cincinnati, to the Ohio river, near Lawrenceburg in the state of Indiana.

3. An act for the benefit of Wiley C. Williams, and others.

4. An act to incorporate Jamestown in Russell county, and for other purposes.

5. An act to regulate the duties of the freighters of produce.

Were severally read the first time, and the second and fourth bills were ordered to be read a second time.

The first, third and fifth bills were severally laid on the table until the first day of June next.

And thereupon the rule of the Senate, constitutional provision, and second and third reading of the second and fourth bills having been dispensed with;

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Selby inform the House of Representatives thereof.

A bill from the House of Representatives, entitled, "an act for the divorce of Thomas Boyd and Catharine Ballard, was read the first time as follows:

Whereas it is represented to the present General Assembly, that Thomas Boyd of Nicholas county, intermarried with Catharine Ballard of Bath county, since which time it appears that the said Catharine has abandoned the said Thomas, and refuses to return and live with him, and that she is now living with her mother in Bath county; Wherefore,

Be it enacted by the General Assembly of the Commonwealth of

Kentucky, That the marriage between the said Thomas Boyd and Catharine Ballard, shall be, and the same is hereby totally dissolved.

And the question being taken on reading the same a second time, it was decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Beaty, were as follows, to-wit:

YEAS—Messrs. Beaty, Crutcher, Cunningham, Daniel, Daveiss, A. S. Hughes, Muldrow, O'Bannon, Stephens and M. H. Wickliffe—10.

NAYS—Messrs. C. Allan, J. Allen, Barrett, Carneal, Cockerill, Dudley, Faulkner, Gibson, Green, Garrard, Given, J. Hughes, Locker, Lockett, M'Connell, Slaughter, Smith, Ward, White, R. Wickliffe, Woods and Wood—22.

Ordered, That Mr. M'Connell inform the House of Representatives thereof.

A bill from the House of Representatives, entitled, "an act to improve the navigation of Main Eagle creek," was read the first time as follows, to-wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Main Eagle creek, from Sanders' lower mills to the mouth thereof, is hereby declared to be a navigable stream.

Be it further enacted, That it shall be lawful for any person or persons, at his or their costs, to remove all obstructions of any kind whatever, to the navigation of said stream, from the mills aforesaid, to its junction with the Kentucky river.

Mr. Gibson moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Dudley and Gibson, were as follows, to-wit:

YEAS—Messrs. C. Allan, Cockerill, Faulkner, Gibson, Green, Garrard, Hickman, A. S. Hughes, Locker, Lockett, M'Connell, Muldrow, Pope, Slaughter, Stephens, White, Woods and Wood—18.

NAYS—Messrs. Barrett, Beaty, Daniel, Daveiss, Dudley, O'Bannon, Selby and Smith—8.

A bill from the House of Representatives, entitled: "an act to establish the Cumberland Hospital;"

Was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second and third reading of the said bill having been dispensed with;

Mr. M'Connell moved to amend the same by adding thereto, the following engrossed clause, by way of rider, to-wit:

This act shall not take effect until the states of Tennessee, Ohio, Illinois and Indiana shall have signified a determination on their parts, respectively, to co-operate with this state, in the erection and maintenance of the said Hospital, and the Governor of this state shall forward to the Governors of the aforesaid states, respectively, to be laid before the legislatures thereof, a copy of this act.

Mr. R. Wickliffe moved to lay the said bill and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. R. Wickliffe and M. H. Wickliffe, were as follows, to-wit:

YEAS—Messrs. C. Allan, J. Allen, Daniel, Faulkner, Hickman, M'Connell, Muldrow, O'Bannon, White and R. Wickliffe—10.

NAYS—Messrs. C. H. Allen, Barrett, Beaty, Carneal, Cocke-rill, Crutcher, Cunningham, Daveiss, Dudley, Gibson, Green, Garrard, Given, J. Hughes, Locker, Lockett, Pope, Selby, Slaughter, Smith, Stephens, M. H. Wickliffe, Woods and Wood—24.

The question was then taken on adopting the amendment moved by Mr. M'Connell, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. M'Connell and Crutcher, were as follows, to-wit:

YEAS—Messrs. C. Allan, J. Allen, Daniel, Hickman, M'Connell, Muldrow, O'Bannon, Selby and White—9.

NAYS—Messrs. C. H. Allen, Barrett, Beaty, Carneal, Cocke-rill, Crutcher, Cunningham, Daveiss, Dudley, Faulkner, Gibson, Green, Garrard, Given, J. Hughes, Locker, Lockett, Pope, Slaughter, Smith, Stephens, M. H. Wickliffe, R. Wickliffe, Woods and Wood—25.

The question was then taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'Connell and Carneal, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, Barrett, Beaty, Carneal, Cocke-rill, Crutcher, Cunningham, Daveiss, Dudley, Gibson, Green, Garrard, Given, J. Hughes, Locker, Lockett, Pope, Selby, Slaughter, Smith, Stephens, M. H. Wickliffe and Wood—23.

NAYS—Messrs. C. Allan, J. Allen, Daniel, Faulkner, Hickman, M'Connell, Muldrow, O'Bannon, White, R. Wickliffe and Woods—11.

Ordered, That Mr. Given inform the House of Representatives thereof.

And then the Senate adjourned.

FRIDAY, JANUARY 19, 1827.

The Senate assembled.

Mr. McConnell from the select committee appointed for that purpose, reported a bill concerning the 70th regiment of Kentucky Militia.

Which was received and read the first time;

And the question being taken on reading the same a second time, it was decided in the negative; and so the said bill was rejected.

The message from the Governor received on yesterday, was taken up and read as follows, to-wit:

Gentlemen of the Senate,

I nominate for your advice and consent, John Kincaid, attorney for the Commonwealth, in the 12th judicial district, in place of Samuel M'Kee, resigned.

Charles S. Bibb, attorney for the Commonwealth in the 4th judicial district.

William Owens, attorney for the Commonwealth in the 8th judicial district.

James Clark, attorney for the Commonwealth in the 9th judicial district.

George W. Baylor, attorney for the Commonwealth in the 10th judicial district.

Elisha Smith, attorney for the Commonwealth in the 15th judicial district.

JOS. DESHA.

January 18, 1827.

Resolved, That the Senate advise and consent to the appointment of John Kincaid, attorney for the Commonwealth in the 12th judicial district, in the place of Samuel M'Kee, resigned.

Ordered, That Mr. J. Allen inform the Governor thereof.

Bills from the House of Representatives of the following titles:

An act to amend an act entitled, "an act to establish a turnpike by the way of Williamsburg, Whitley county," approved Dec. 9, 1820; and,

"An act providing for the improvement of the road leading from Louisa in Lawrence county, by West Liberty, to the Beaver Iron Works;"

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of said bills having been dispensed with; they were committed to a select committee of Messrs. Woods, Daveiss, Beaty, McConnell, C. Allan and Garrard.

The resolution relative to the law books belonging to the Com-

monwealth, read and laid on the table by Mr. Dudley on the 15th inst. was taken up, twice read and adopted.

Ordered, That Mr. Dudley carry the said resolution to the House of Representatives and request their concurrence.

A message in writing was received from the Governor, by Mr. Loughborough, assistant secretary.

A bill from the House of Representatives, entitled, "an act for the benefit of Mathews W. and Henrietta Flournoy and Matilda Dillard;

Was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with;

Mr. Dudley moved to amend the said bill by adding thereto, the following section, to-wit:

Be it further enacted, That the marriage between Thomas Boyd of Nicholas county and Catharine Ballard of Bath county be, and the same is hereby totally dissolved.

Mr. J. Allen moved to lay the said bill and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Dudley and Wood, were as follows, viz:

YEAS—Messrs. C. Allan, J. Allen, Barrett, Cockerill, Dudley, Green, Given, Hickman, Lockett, McConnell, Selby, White, R. Wickliffe and Wood—14.

NAYS—Messrs. C. H. Allen, Beaty, Carneal, Cunningham, Daniel, Daveiss, Faulkner, Garrard, A. S. Hughes, J. Hughes, Locker, Muldrow, O'Bannon, Pope, Slaughter, Smith, Stephens and Ward—18.

The question was then taken on the amendment moved by Mr. Dudley, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Dudley and Hickman, were as follows, viz:

YEAS—Messrs. C. H. Allen, Beaty, Dudley, Given, A. S. Hughes, Locker, O'Bannon, Selby and Wood—9.

NAYS—Messrs. C. Allan, J. Allen, Barrett, Carneal, Cockerill, Cunningham, Daniel, Daveiss, Faulkner, Green, Garrard, Hickman, J. Hughes, Lockett, McConnell, Muldrow, Pope, Slaughter, Smith, Stephens, Ward, White and R. Wickliffe—23.

Ordered, That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

The question was then taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Dudley and Carneal, were as follows, to-wit:

YEAS—Messrs. Beaty, Carneal, Daniel, Daveiss, Faulkner, Garrard, A. S. Hughes, J. Hughes, Locker, Lockett, Muldrow, O'Bannon, Pope, Slaughter, Smith, Stephens, Ward and White—18.

NAYS—Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Cockerill, Cunningham, Dudley, Green, Given, Hickman, M'Connell, Selby, R. Wickliffe and Wood—14.

Resolved, That the title of the said bill be as aforesaid.

Ordered, That Mr. Faulkner inform the House of Representatives thereof.

Messages were received from the House of Representatives, announcing the passage of bills, by that body, of the following titles:

An act for the benefit of the sheriffs of certain counties.

An act to establish an election precinct in the county of Henry.

An act to authorize the trustees of the Daveiss county Seminary to sell their lands.

An act to authorize the sale of the balance of the lots in the town of Mayfield.

An act to amend the laws of this Commonwealth, concerning bail in civil cases; and,

An act to restrain the sale of offices.

And that they have adopted a resolution concerning the jurisdiction of the circuit court of the United States for the Kentucky district;

And that they have concurred in a resolution approbatory of the American Colonization Society.

A bill from the House of Representatives, entitled, "an act to repeal the laws requiring property taken under execution to sell for three fourths of its value, and for other purposes;"

Was read the second time, and committed to a select committee of Messrs. C. Allan, Woods, A. S. Hughes, Green and M'Connell.

A message from the House of Representatives by Mr. Morris.

Mr. Speaker—The House of Representatives have concurred in the amendments proposed by the Senate, upon concurring in the amendments proposed by the House, to a bill from the Senate, entitled, "an act to amend the penal laws"—and they have concurred in the amendments proposed by the Senate, to a bill from that house, entitled, "an act to enable Elizabeth Hall, executrix, and Nimrod Greenwood, executor of William Hall deceased, to carry into effect the provisions of said decedent's will."

And then he withdrew.

Bills from the House of Representatives of the following titles:

1. An act for the benefit of Silas M'Bee.

2. An act to authorize the citizens of the county of Oldham to select by vote a permanent seat of justice; and,

3. An act more certainly to establish the dividing line between the counties of Shelby and Spencer;

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the first, and second reading of the third bill having been dispensed with; the third bill was committed to a select committee of Messrs. White, Dudley, Daveiss, C. H. Allen and Crutcher.

Resolved, That the first bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Lockett inform the House of Representatives thereof.

Mr. Dudley from the joint committee of enrollments reported, that the committee had examined enrolled bills of the following titles, to-wit:

An act to authorize sundry persons south of Walker's line to register their plats.

An act concerning certain officers.

An act for the benefit of Hay Battaile and others.

An act concerning the public ground in the town of Danville, and for other purposes.

An act to authorize the clerk of the Logan county court to have re-bound certain record books, and for other purposes.

An act to regulate Ferries on the Tennessee river and part of the Cumberland river.

An act for the benefit of Thomas Skaggs.

An act concerning the town of Carlisle.

An act to allow an addition justice of the peace for Henry County.

An act for the benefit of certain sheriffs of this Commonwealth.

An act to establish election precincts in certain counties.

And had found the same truly enrolled.

A message was received from the House of Representatives, announcing that their Speaker had signed the said bills.

Whereupon the Speaker of the Senate signed the same, and they were delivered to the joint committee to be laid before the Governor.

After a short time Mr. Dudley reported that the committee had performed that duty.

A message from the House of Representatives by Mr. Bainbridge:

Mr. Speaker—The House of Representatives have received official information, that the Governor did, on yesterday, approve and sign enrolled bills which originated in the House of Representatives of the following titles:

An act for the benefit of the representatives and securities of John Hackworth, deceased.

An act to amend the law concerning the town of Henderson.

An act for the benefit of the creditors of Margaret Roberts, deceased.

An act allowing additional justices of the peace and constables to certain counties in this Commonwealth.

An act to annex part of Warren to Barren county.

An act to allow an additional constable to the county of Boone.

An act supplemental to an act, entitled, "an act to erect and establish the county of Anderson out of parts of the counties of Franklin, Mercer and Washington.

An act to change the time of holding the Casey county court.

An act for the benefit of Thomas Cull, late sheriff of Washington county.

And then he withdrew.

A message from the House of Representatives by Mr. Wilson of Lincoln.

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate entitled, "an act for the benefit of Greenswell Williams and others.

And then he withdrew.

The Senate took up the report of the committee on that part of the Governors message which relates to internal improvements.

On the motion of Mr. M'Connell the first resolution (see page 109) was amended, adding thereto these words, "so far as the assent of the states through which the proposed road will pass has been, or may be signified through the legislatures thereof."

Mr. Dudley moved to commit the said report to a select committee.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. C. Allan and Faulkner, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Cocke-rill, Daniel, Daveiss, Dudley, J. Hughes, O'Bannon, Pope, Selby, Slaughter and Wood—14.

NAYS—Messrs. C. Allan, Carneal, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, Locker, Lockett, M'Connell, Muldrow, Smith, Stephens, White, M. H. Wickliffe, R. Wickliffe and Woods—18.

And then the Senate adjourned.

SATURDAY, JANUARY 20, 1827.

The Senate assembled.

Mr. Dudley from the joint committee of enrollments reported, that the committee had examined enrolled bills of the following titles:

An act to add two additional justices of the peace in the county of Christian, and for other purposes; and,

An act concerning certain officers.

And had found the same truly enrolled.

A message was received from the House of Representatives, announcing that their Speaker had signed said bills.

Whereupon the Speaker of the Senate signed the same, and they were delivered to the joint committee to be laid before the Governor.

After a short time Mr. Dudley reported that the committee had performed that duty.

Mr. Daveiss from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act requiring the judge of the ninth judicial district to hold a chancery term for the county of Jessamine," reported the same with an amendment;

Which was twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time on Monday next.

Mr. White from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act more certainly to establish the dividing line between the counties of Shelby and Spencer;" reported the same without amendment.

Ordered, That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. White inform the House of Representatives thereof.

The Senate received two written messages from the Governor, by Mr. Loughborough, assistant secretary.

A message from the House of Representatives by Mr. Hanson;

Mr. Speaker—The House of Representatives have concurred in a resolution from the Senate, fixing on a day for the final adjournment of the legislature, with an amendment, in which they request the concurrence of the Senate;

And then he withdrew.

Mr. Woods from the select committee to whom was referred, a bill from the House of Representatives, entitled; "an act to amend an act, entitled, 'an act to establish a turnpike by the way of

Williamsburg, Whitley county," approved, December 9, 1820; reported the same with amendments;

Which were twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time on this day.

The said bill was then read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Woods inform the House of Representatives thereof, and request their concurrence in the said amendments.

The yeas and nays being required on the passage of the said bill, by Messrs. Cockerill and Daveiss, were as follows, viz:

YEAS—Messrs. C. Allan, C. H. Allen, Beaty, Cunningham, Daniel, Faulkner, Green, Garrard, Given, J. Hughes, Locker, Lockett, McConnell, Muldrow, O'Bannon, Pope, Selby, Smith, White, R. Wickliffe, Woods and Wood—22.

NAYS—Messrs. J. Allen, Barrett, Carneal, Cockerill, Daveiss, Dudley, Gibson, Hickman, A. S. Hughes, Slaughter and Ward—11.

Mr. A. S. Hughes read and laid on the table joint resolutions in relation to the turnpike road from Maysville to Lexington.

An engrossed bill entitled, an act concerning sheriffs returns upon executions; was committed to a select committee of Messrs. Carneal, Woods and Beaty.

A bill from the House of Representatives, entitled, "an act concerning the Lunatic Asylum;"

Was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was committed to a select committee of Messrs. Daniel, Carneal, Green, Woods, R. Wickliffe, McConnell and J. Allen.

Messages were received from the House of Representatives, announcing the passage of bills, by that body, of the following titles, to-wit:

An act to exempt surveyors or overseers of public roads from serving on venires or petit juries.

An act supplemental to an act entitled, "an act to incorporate the Maysville and Lexington turnpike road company."

An act to repeal parts of an act approved January 7, 1824, entitled, "an act to revive and amend the champerty and maintenance laws, and more effectually to secure the bona fide occupants of land within this Commonwealth.

An act to prohibit setting on fire, the woods in this Commonwealth; and,

An act to amend the laws relative to the turnpike and wilderness road.

And of a bill which originated in the Senate entitled, "an act concerning idiots," with an amendment thereto.

And that they have concurred in the amendments proposed by the Senate to a bill from that house, entitled, "an act to amend an act entitled, 'an act to establish a turnpike by the way of Williamsburg, in Whitley county,'" approved December 9, 1820.

Mr. C. Allan from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act to repeal the laws requiring property taken under execution to sell for three fourths of its value, and for other purposes;" reported the same with an amendment;

Which was twice read and laid on the table till Monday next.

On the motion of Mr. Dudley, leave was given to bring in a bill to provide for the purchase of the Digest of the Statutes of Kentucky, and Messrs. Dudley, Beaty, Barrett and J. Allen were appointed a committee to prepare and bring in the same.

A bill from the House of Representatives, entitled, "an act for the benefit of the sheriffs of certain counties;"

Was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was amended, and ordered to be read a third time on Monday next.

Mr. M'Connell from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act providing for the improvement of the road leading from Louisa in Lawrence county, by West Liberty, to the Beaver Iron Works;" reported the same without amendment.

The said bill was amended, and ordered to be read a third time on this day; it was then read the third time.

Resolved, That the said bill, as amended, do pass and that the title thereof be as aforesaid.

Ordered, That Mr. M'Connell inform the House of Representatives thereof, and request their concurrence in the said amendment.

The yeas and nays being required on the passage of said bill by Messrs. Daveiss and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Daniel, Gibson, Garrard, Hickman, A. S. Hughes, J. Hughes, Locker, Lockett, M'Connell, Muldrow, O'Bannon, Pope, Selby, Smith, Stephens, White, R. Wickliffe, Woods and Wood—23.

NAYS—Messrs. J. Allen, Barrett, Carneal, Cockerill, Daveiss, Dudley, Faulkner, Green and Slaughter—9.

Messages from the House of Representatives, were received, announcing that they had passed bills which originated in the Senate, of the following titles, to-wit:

An act to authorize the trustees of the town of Glasgow to sell certain streets and alleys in said town.

An act for the benefit of Rebecca Huett.

An act to establish an Academy in Russell county.

An act concerning the Allen Seminary.

An act for the benefit of Nicholas Seminary, and to establish Wilson Seminary at the Lower Blue Licks.

An act for the benefit of Lucy Thomas.

An act for opening a road from Cynthiana to Maysville.

An act for the benefit of John McLaughlin.

An act for the benefit of Margaret A. Tracy.

An act to reduce the price of the vacant land between Walker's line and latitude 36° 30' north, and east of the Tennessee river.

An act to establish an election precinct in the county of Wayne.

An act for the benefit of Obadiah Woodrum; and,

An act for the benefit of Eleanor and Julia Harrison: with amendments to the latter bill.

The report of the committee on that part of the Governors message which relates to internal improvements, was again taken up, and further discussion had thereon.

And then the Senate adjourned.

MONDAY, JANUARY 22, 1827.

The Senate assembled.

The amendment proposed by the House of Representatives, to a resolution fixing on a day for the final adjournment of the legislature; was twice read and concurred in.

Ordered, That Mr. Daveiss inform the House of Representatives thereof.

Mr. Daveiss from the select committee appointed for that purpose, reported a bill to amend an act, entitled, "an act concerning escheators;" which was read the first time.

Mr. Woods moved to lay the said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Daveiss and Garrard, were as follows, to-wit:

YEAS—Messrs. C. Allan, J. Allen, Beaty, Cockerill, Crutcher, Cunningham, Daniel, Dudley, Faulkner, Gibson, Garrard, Hickman, Locker, Lockett, McConnell, Muldrow, Slaughter, Smith, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—24.

NAYS—Messrs. C. H. Allen, Barrett, Daveiss, Green, A. S. Hughes, J. Hughes, O'Bannon, Pope, Selby and Wood—10.

On motion—*Ordered*, That Mr. Cockerill be added to the joint committee of enrollments.

Mr. Dudley from the select committee appointed for that purpose, reported a bill to provide for the purchase of the Digest of the Statutes of Kentucky;

Which was received and read the first time as follows, to-wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Secretary of State, as soon as practicable, to purchase for the use of the state, fifty sets of the Digests of the Statutes; *Provided however*, That he shall not pay for them, more than six dollars and fifty cents per sett, in paper of the bank of the Commonwealth.

And the question being taken on reading the said bill a second time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Hickman, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Crutcher, Dudley, Given, J. Hughes, Selby, Smith and Stephens—10.

NAYS—Messrs. C. Allan, Beaty, Carneal, Cunningham, Daniel, Daveiss, Faulkner, Gibson, Green, Garrard, Hickman, A. S. Hughes, Locker, Lockett, McConnell, Muldrow, O'Bannon, Slaughter, Ward, White, M. H. Wickliffe, R. Wickliffe, Woods and Wood—24.

Messages were received from the House of Representatives, announcing that they had passed bills of the following titles:

An act for the benefit of Eliza Smithers, and others.

And bills which originated in the Senate of the following titles:

An act to alter the time of holding certain circuit and county courts.

An act to establish a ware-house on the land of Price Roach on Green River; with amendments to the latter bills.

A bill from the House of Representatives, entitled, "an act for the benefit of the sheriffs of certain counties;"

Was read the third time, as amended, as follows, to-wit:

Whereas, it is represented that the Sheriff of Nicholas County, has been prevented by inevitable accident, from presenting his delinquent list for the year 1825, to the Auditor and paying up the revenue for that year within the time prescribed by law.

SEC. 1. *Be it therefore enacted, by the General Assembly of the Commonwealth of Kentucky*, That said Sheriff shall be allowed until the first day of April next, to present said list to the Auditor and pay up the balance of the revenue for said year; and upon his obtaining a quietus from the Auditor, he shall be released from all damages to which he may have become liable in consequence of said failure.

And whereas, it is represented to the General Assembly, that

the Sheriff of Harrison County, presented his delinquent lists for the years 1824 and 1825, to the County Court according to law; but the court was prevented by the crowd of business from certifying the same. Therefore,

SEC. 2. *Be it further enacted*, That any two Justices of the Peace for Harrison County, shall have power to receive the delinquent lists from said Sheriffs for the aforesaid years, in the same manner and under the same regulations that the county courts of this commonwealth are authorised to receive, and certify the delinquent lists of the Sheriffs; and the Auditor is hereby directed to receive the certificate of said Justices, and give said Sheriff a credit for the amount of the delinquent lists so certified, in the same manner as if the said delinquent lists had been certified by the county court, and the certificate thereof, had been presented in due time.

SEC. 3. *Be it further enacted*, That from and after the passage of this act, the Sheriff of Washington county, shall have the further time of sixty days to return his delinquent list for the year one thousand eight hundred and twenty-six.

SEC. 4. *Be it further enacted*, That upon the Sheriffs of Barren and Cumberland county, respectively paying into the Treasury the amount of revenue, for which judgments were rendered against them and securities at the last term of the General Court, within sixty days from the end of the present session of the Legislature, the Auditor shall and he is hereby directed to credit said judgments by the amount of the damages.

SEC. 5. *Be it further enacted*, That Jesse Wilson late Sheriff of Bullitt County, be allowed the further time of sixty days to make his return of the delinquent list for the year one thousand eight hundred and twenty-three into the Auditor's Office, whose duty it shall be to certify the same to the Treasurer for payment; *Provided* the said list be duly certified.

SEC. 6. *Be it further enacted*, That the judgments lately obtained in the General Court against the late Sheriff of Adair County, William Patterson and securities, be credited by the amount of the damages awarded against him for failing to pay in his revenue, nor shall any execution issue therefor.

And whereas, it is represented to this General Assembly, that the Sheriff of Wayne County, (owing to sickness in his family) was rendered unable to collect his revenue tax for the year one thousand eight hundred and twenty-five; and that he was also unable to reach Frankfort in time to authorise the Auditor of Public Accounts to receive his delinquent list under the existing laws of the state. Therefore,

SEC. 7. *Be it further enacted*, That the Auditor of Public Accounts is hereby authorised and required to receive of the said Sheriff of Wayne County, his delinquent list on settlement of his

revenue tax, for the year one thousand eight hundred and twenty-five, and that the further time of sixty days be given to the said Sheriff, to pay into the Treasury the balance of the revenue tax of said county for the year one thousand eight hundred and twenty-five.

And whereas, Benjamin C. Wood late Deputy Sheriff of Fayette County, is entitled to a credit of fifty-three dollars and eighty-six cents, for delinquents duty certified for the year one thousand eight hundred and twenty-three; and that the said Wood has paid up the revenue for that year without receiving a credit with the Auditor therefor. Wherefore,

SEC. 8. *Be it further enacted*, That the said Benjamin C. Wood, is entitled to draw the sum of fifty-three dollars and eighty-six cents, from the Treasury out of any monies not otherwise appropriated, and that the Auditor make out a warrant for the same.

And whereas, it is represented to this General Assembly, that Stephen Harper late Sheriff of Floyd County, absconded from this state, without having paid into the public Treasury, the amount of the reven due from said Harper, Sheriff as aforesaid, for the year one thousand eight hundred and twenty-four; and the Auditor has proceeded and obtained judgment against said Harper and his securities for the amount due with cost, and eighteen per cent per annum in damages, from the fourth day of December, one thousand eight hundred and twenty-four, till paid.

SEC. 9. *Be it further enacted*, That the officer into whose hands the execution shall come, shall and he is hereby required to enter a credit on said execution for the amount of the damages so recovered, and shall proceed to collect only the amount of the revenue due, together with the legal costs thereon.

SEC. 10. *Be it further enacted*, That Elijah Cravens, late sheriff of Adair county, shall have the full benefit of the 6th section of this act, as well as the sheriffs therein named.

And the question being taken on the passage of the said bill, it was decided in the negative; and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. C. Allan and Daveiss, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Crutcher, Daniel, Given, A. S. Hughes, J. Hughes, Locker, Pope, Selby, Slaughter, Smith, Stephens, R. Wickliffe and Wood—17.

NAYS—Messrs. C. Allan, Carneal, Cunningham, Daveiss, Dudley, Faulkner, Gibson, Green, Garrard, Hickman, Lockett, McConnell, Muldrow, O'Bannon, Ward, White, M. H. Wickliffe and Woods—13.

Ordered, That Mr. Faulkner inform the House of Representatives thereof.

Mr. Carneal from the select committee to whom was referred,

an engrossed bill entitled, an act concerning sheriffs returns upon executions; reported the same with an amendment;

Which was twice read and concurred in.

Ordered, That the said bill be engrossed and again read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Carneal Carry the said bill to the House of Representatives and request their concurrence.

Mr. Given from the joint committee of enrollments, reported, that the committee had examined enrolled bills and resolutions of the following titles, to-wit:

An act more certainly to establish the dividing line between the counties of Shelby and Spencer.

An act to amend an act entitled, "an act to establish a turnpike by the way of Williamsburg, Whitley county," approved, December 9, 1820.

An act to incorporate the Maysville and Lexington turnpike road company.

An act for the benefit of Lucy Thomas.

An act for the benefit of Rebecca Huett.

An act to reduce the price of the vacant land between Walker's line and the latitude $36^{\circ} 30'$ north, and east of Tennessee river.

An act for the benefit of Obadiah Woodrum.

An act allowing additional justices of the peace and constables to certain counties.

An act for the benefit of Margaret A. Tracy.

An act to establish an election precinct in the county of Wayne.

An act for the benefit of Greenswell Williams, and others.

An act to regulate the militia correspondence of this Commonwealth.

An act to amend the penal laws.

Resolutions approbatory of the American colonization society.

An act to incorporate Jamestown in Russell county, and for other purposes.

An act for the benefit of Silas M'Bee.

And had found the same truly enrolled.

A message was received from the House of Representatives, announcing that their Speaker had signed said bills;

Whereupon the Speaker of the Senate signed the same, and they were delivered to the joint committee to be laid before the Governor.

After a short time Mr. Given reported, that the committee had performed that duty.

Mr. Given moved that the Senate now proceed to the consideration of the orders of the day.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Green, were as follows, to-wit:

YEAS—Messrs. Barrett, Beaty, Carneal, Cockerill, Cunningham, Daniel, Daveiss, Given, A. S. Hughes, J. Hughes, Locker, Lockett, O'Bannon, Pope, Selby, Slaughter, Smith, M. H. Wickliffe and Wood—19.

NAYS—Messrs. C. Allan, C. H. Allen, Crutcher, Faulkner, Gibson, Green, Garrard, Hickman, M'Connell, Muldrow, White, R. Wickliffe and Woods—13.

A bill from the House of Representatives, entitled, "an act to repeal the laws requiring property taken under execution to sell for three fourths of its value, and for other purposes," and the amendments thereto, reported from the select committee, were taken up.

Mr. Cockerill moved to amend the said amendment by striking out "two thirds," and inserting in lieu thereof "three fourths," being the proportion of the value of land taken under execution, for which it must sell, or be subject to redemption.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Green and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Cockerill, Daveiss, Dudley, J. Hughes, O'Bannon, Pope, Selby and M. H. Wickliffe—11.

NAYS—Messrs. C. Allan, Beaty, Carneal, Crutcher, Cunningham, Daniel, Faulkner, Gibson, Green, Garrard, Given, Hickman, A. S. Hughes, Locker, Lockett, M'Connell, Muldrow, Slaughter, Smith, Stephens, Ward, White, R. Wickliffe, Woods and Wood—25.

Mr. C. H. Allen moved to amend the said amendment by striking out, "one year," and inserting in lieu thereof "two years," being the time in which land sold under execution may be redeemed.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. C. H. Allen and Beaty, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, Barrett, Beaty, Cockerill, Daveiss, Dudley, A. S. Hughes, Locker, O'Bannon, Selby and M. H. Wickliffe—11.

NAYS—Messrs. C. Allan, J. Allen, Carneal, Crutcher, Cunningham, Daniel, Faulkner, Gibson, Green, Garrard, Given,

Hickman, J. Hughes, Lockett, McConnell, Muldrow, Pope, Slaughter, Smith, Stephens, Ward, White, R. Wickliffe, Woods and Wood—25.

The said amendment was amended and concurred in.

Ordered, That the said bill, as amended be read a third time to-day.

The said bill was then read the third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Barrett and Carneal, were as follows, to-wit:

YEAS—Messrs. C. Allan, J. Allen, Beaty, Carneal, Crutcher, Cunningham, Daniel, Faulkner, Gibson, Green, Garrard, Hickman, J. Hughes, Locker, Lockett, McConnell, Muldrow, Pope, Slaughter, Stephens, Ward, White, R. Wickliffe, Woods and Wood—25.

NAYS—Messrs. C. H. Allen, Barrett, Cockerill, Daveiss, Dudley, Given, A. S. Hughes, O'Bannon, Selby, Smith and M. H. Wickliffe—11.

Resolved, That the title of the said bill be amended to read, an act to amend the laws requiring property taken under execution to sell for three fourths of its value, and for other purposes.

Ordered, That Mr. Green inform the House of Representatives thereof, and request their concurrence in the said amendments.

The amendments proposed by the House of Representatives, to bills which originated in the Senate of the following titles, viz:

An act concerning Idiots.

An act for the benefit of Eleanor and Julia Harrison.

An act to alter the time of holding certain circuit and county courts.

An act to establish a ware-house, on the land of Price Roach, on Green river.

Were severally twice read and concurred in.

Ordered, That Mr. Cockerill inform the House of Representatives thereof.

Bills of the following titles, to-wit:

A bill to authorize a lottery for the benefit of Lodge No. 17 in Russellville; and,

A bill to declare the duties of the prosecuting attornies of this Commonwealth;

Were severally read the second time. The latter bill was laid on the table.

Ordered, That the former bill be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the former bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Slaughter carry the said bill to the House of Representatives and request their concurrence.

Engrossed bills of the following titles, to-wit:

1. An act for the benefit of Elijah Combs.
2. An act to amend the law in relation to the relinquishment of dower; and,
3. An act for the benefit of the sheriff of Rockcastle county.

Were severally read the third time.

The latter bill was committed to a select committee of Messrs. Beaty, Green, Cunningham, Daveiss, Selby, R. Wickliffe and Barrett.

Resolved, That the first and second bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Garrard carry the said bills to the House of Representatives and request their concurrence.

The yeas and nays being required on the passage of the first bill, by Messrs. Gibson and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, Barrett, Beaty, Crutcher, Cunningham, Daniel, A. S. Hughes, J. Hughes, Locker, Lockett, Slaughter, Smith, Ward, White and M. H. Wickliffe—16.

NAYS—Messrs. J. Allen, Cockerill, Daveiss, Dudley, Faulkner, Gibson, Green, Hickman, M'Connell, Muldrow, Pope and Selby—12.

The yeas and nays being required on the passage of the second bill, by Messrs. Daveiss and Hickman, were as follows, viz:

YEAS—Messrs. C. H. Allen, Barrett, Beaty, Cockerill, Crutcher, Cunningham, Daniel, Dudley, Gibson, Hickman, J. Hughes, Locker, M'Connell, Muldrow, O'Bannon, Pope, Slaughter, Smith, Ward and White—20.

NAYS—Messrs. C. Allan, J. Allen, Daveiss, Faulkner, A. S. Hughes, Selby and M. H. Wickliffe—7.

A bill from the House of Representatives, entitled, "an act for the benefit of the devisees of Hugh Emerson deceased;"

Was read the second time and ordered to be read the third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

The question was taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Faulkner and Smith, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Cockerill, Crutcher, Cunningham, Daniel, Dudley, Garrard, Given, A. S. Hughes, J. Hughes, Locker, Lockett, Muldrow, O'Bannon, Slaughter, Smith and White—20.

NAYS—Messrs. C. Allen, Faulkner, Gibson, Green, Hickman, M'Connell, Pope, Selby, M. H. Wickliffe and Woods—10.

Ordered, That the title thereof be as aforesaid, and that Mr. Smith inform the House of Representatives thereof.

A bill from the House of Representatives, entitled, "an act for the benefit of James Rouse," was read the third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cockerill and Hickman, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, Barrett, Beaty, Cunningham, Daniel, A. S. Hughes, J. Hughes, Locker, Lockett, Pope, Smith, Stephens, Ward, White and M. H. Wickliffe—16.

NAYS—Messrs. J. Allen, Cockerill, Crutcher, Daveiss, Dudley, Faulkner, Gibson, Green and Hickman—9.

Ordered, That the title of said bill be as aforesaid, and that Mr. Lockett inform the House of Representatives thereof.

Bills from the House of Representatives of the following titles, to-wit:

1. An act to amend an act, entitled, "an act to provide for the sale of the vacant lands west of the Tennessee river.

2. An act to authorize the sale of part of the public ground in the town of Perryville, by commissioners.

3. An act to authorize certain county courts to permit gates to be erected across certain roads therein.

4. An act to extend the powers of the trustees of Lexington.

5. An act for the benefit of William F. and Sarah E. Ward.

6. An act for the benefit of Thomas Owens and John Harrison.

7. An act to authorize the appointment of one additional constable in Todd county.

8. An act to erect an election precinct in the county of Woodford.

9. An act for the benefit of John Todd.

10. An act for the benefit of William H. Wood.

11. An act for the benefit of Lewis Rogers, late sheriff of Ohio county.

12. An act to add a part of Preston's enlargement to the town of Louisville.

13. An act to authorize the Soldier creek Baptist Society, of the county of Calloway to enter part of a quarter section of land.

And 14. An act for the benefit of Jonathan Downs, and for other purposes.

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with; the third bill was committed to a select committee of Messrs.

Beaty, R. Wickliffe, A. S. Hughes, M'Connell and Hickman, and the twelfth was committed to a select committee of Messrs. Beaty, J. Hughes, R. Wickliffe, Carneal, White and Muldrow; the 4th, 6th and 14th were amended;

Ordered, That the 1st, 2d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 13th and 14th bills be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bills, except the ninth, having been dispensed with;

Resolved, That the said bills, except the ninth, do pass, and that the title of the first bill be amended to read, an act concerning the receiver of public monies of the lands west of the Tennessee river; that the title of the fourth be amended by adding thereto, "and Germantown;" that the title of the sixth be amended to read, an act for the benefit of Thomas Owings; that the title of the 11th be amended by adding thereto, "and the sheriff of Estill county; and that the titles of the other bills be as aforesaid.

Ordered, That Mr. Given inform the House of Representatives thereof, and request their concurrence in the said amendments.

And then the Senate adjourned.

TUESDAY, JANUARY 23, 1827.

The Senate assembled.

The Speaker laid before the Senate a letter from the Secretary of State, representing the necessity of procuring a number of copies of the Digest of the Statutes of Kentucky.

Mr. A. S. Hughes presented the petition of sundry citizens of Millersburg, praying an appropriation of money to aid in establishing a Seminary of learning in said town;

Which was received, read and referred to the committee of propositions and grievances.

Mr. Carneal from the select committee appointed for that purpose, reported a bill to amend an act establishing the town of Covington, approved December 14, 1824.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Carneal carry the said bill to the House of Representatives and request their concurrence.

Mr. Beaty from the select committee to whom was referred, a

bill from the House of Representatives, entitled, "an act to authorize certain county courts to permit gates to be erected across certain roads therein;" reported the same with an amendment;

Which was twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time;

The said bill was thereupon read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Beaty inform the House of Representatives thereof, and request their concurrence in the said amendment.

Messages were received from the House of Representatives, announcing that they had passed a bill of the following title:

An act for the appropriation of money;

And bills and a resolution which originated in the Senate, entitled:

An act to legalize the proceedings of the county court of Mason.

An act for the benefit of Simon Kenton.

An act to amend an act establishing the town of Covington, approved, December 14, 1824; and,

A resolution relative to the law books belonging to the Commonwealth.

And that they have concurred in the amendments proposed by the Senate, to bills from that house, of the following titles:

An act for the benefit of Lewis Rogers, late sheriff of Ohio county.

An act to extend the powers of the trustees of Lexington.

An act providing for the improvement of the road leading from Louisa in Lawrence county, by West Liberty, to the Beaver Iron Works.

An act for the benefit of Thomas Owings and John Harrison.

An act to amend an act entitled, "an act to provide for the sale of the vacant lands west of the Tennessee river.

An act for the benefit of Jonathan Downs, and for other persons.

An act to authorize certain county courts to permit gates to be erected across certain roads therein.

An act to repeal the laws requiring property taken under execution, to sell for three fourths of its value, and for other purposes.

Mr. Given from the joint committee of enrollments, reported, that the committee had examined enrolled bills of the following titles, to-wit:

An act regulating injunctions and other restraining orders in chancery suits, and for other purposes.

An act for the benefit of Mathews W. and Henrietta Flournoy and Matilda Dillard.

An act providing for opening a state road from the turnpike

between Georgetown and Cincinnati to the Ohio river, near Lawrenceburg in the state of Indiana.

An act to establish the Cumberland Hospital.

An act to authorize the sale of the lands of Fanny Hoy and Sophia H. Sullivan, and for other purposes; and,

An act to enable Elizabeth Hall, executrix and Nimrod Greenwood, executor of William Hall deceased, to carry into effect the provisions of said decedent's will.

And had found the same truly enrolled.

A message was received from the House of Representatives, announcing that their Speaker had signed said bills;

Whereupon the Speaker of the Senate signed the same, and they were delivered to the joint committee to be laid before the Governor.

After a short time Mr. Given reported, that the committee had performed that duty.

The message from the Governor received on the ninth inst. was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, Thomas B. Monroe, Esq. to be commissioned, for the legal term, Reporter of the decisions of the Court of Appeals.

January 9, 1827.

JOS. DESHA.

Mr. Garrard Moved the following resolution, to-wit:

Resolved, That the said nomination of Thomas B. Monroe, be referred to a select committee of eight members, and that the committee have power to send for persons and papers.

Which was twice read and adopted; and Messrs. Garrard, Carneal, Pope, J. Allen, Green, Slaughter, Daveiss and Beaty, were appointed a committee pursuant thereto.

Mr. Green from the select committee to whom was referred, an engrossed bill, entitled, an act for the benefit of the sheriff of Rockcastle county; reported the same with amendments;

Which being twice read were concurred in.

The said bill being further amended.

The question was taken on engrossing the same and again reading it a third time on to-morrow, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gibson and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, Barrett, Beaty, Crutcher, Daniel, Given, A. S. Hughes, J. Hughes, Locker, Lockett, Muldrow, O'Bannon, Pope, Selby, Stephens, R. Wickliffe and Wood—17.

NAYS—Messrs. Carneal, Cockerill, Daveiss, Faulkner, Gibson, Green, Garrard, Hickman, M'Connell, Smith, Ward, White and M. H. Wickliffe—13.

Mr. Daniel from the select committee to whom was referred, a

bill from the House of Representatives, entitled, "an act concerning the Lunatic Asylum;" reported the same without amendment.

The said bill being amended, was ordered to be read a third time to-day; it was accordingly read the third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Lockett and Faulkner, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, Barrett, Carneal, Cockerill, Daniel, Daveiss, Dudley, Green, Garrard, A. S. Hughes, J. Hughes, McConnell, Muldrow, O'Bannon, Pope, Smith, Ward, White and R. Wickliffe—19.

NAYS—Messrs. Faulkner, Gibson, Hickman, Lockett and Selby—5.

Resolved, That the title of said bill be as aforesaid.

Ordered, That Mr. Daveiss inform the House of Representatives thereof, and request their concurrence in the said amendments.

After a short time a message was received from the House of Representatives, announcing their concurrence in the said amendment.

A message in writing was received from the Governor, by Mr. Loughborough, assistant secretary.

Mr. Dudley from the joint committee of enrollments, reported, that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled:

An act to authorize the Soldier creek Baptist Society of the county of Calloway, to enter part of a quarter section of land.

An act to authorize certain county courts to permit gates to be erected across certain roads therein.

An act for the benefit of Simon Kenton.

An act to legalize the proceedings of the county court of Mason.

An act to establish a ware house on the land of Price Roach, on Green river, and to establish an inspection of Tobacco at the mouth of Big Sandy river, on the land of Horatio Catlett.

An act for the benefit of Eleanor and Julia Harrison and others.

An act concerning the Allen Seminary.

An act to establish an Academy in Russell county.

An act concerning Idiots.

An act for the benefit of John M'Laughlin.

An act to authorize the trustees of the town of Glasgow to sell certain streets and alleys in said town.

An act for opening a road from Cynthiana to Maysville.

An act to alter the time of holding certain circuit and county courts; and,

An act concerning the Lunatic Asylum.

A message was received from the House of Representatives, announcing that their Speaker had signed the said bills;

Whereupon the Speaker of the Senate signed the same, and they were delivered to the joint committee to be laid before the Governor.

After a short time Mr. Dudley reported that the committee had performed that duty.

Bills from the House of Representatives of the following titles, to-wit:

1. An act for the benefit of Eli Huston.
2. An act to authorize the collection of the revenue tax for Mason county, and for other purposes.
3. An act to incorporate the Middletown Male and Female Seminary and Orphans Asylum.
4. An act to establish the town of Vanceburg in Lewis county and for other purposes.
5. An act to authorize the county courts to establish inspections of Salt.
6. An act to amend the law regulating proceedings by petition and summons.
7. An act appointing trustees to the town of New-Liberty in the county of Owen.
8. An act to authorize the insertion of Advertisements in the Augusta Herald, and for other purposes.
9. An act for the benefit of the judge of the tenth judicial district.
10. An act for the benefit of William Ward of Greenup county.
11. An act for the benefit of the heirs of Johnston Dysart, deceased; and,
12. An act for the benefit of the heirs of Robert K. Duvall and Willoughby Scott.

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bills having been dispensed with, and the ninth and tenth bills being amended;

Resolved, That the said bills do pass and that the titles thereof be as aforesaid.

Ordered, That Mr. Ward inform the House of Representatives thereof, and request their concurrence in the said amendments to the ninth and tenth bills.

Bills from the House of Representatives of the following titles, to-wit:

1. An act to legalize the proceedings of the Warren county court, and for other purposes.
2. An act to increase the powers of the trustees of Louisville.

3. An act allowing additional justices of the peace to Grant county.

4. An act allowing additional justices of the peace to Ohio county, and for other purposes.

5. An act supplemental to an act allowing additional constables to certain counties in this Commonwealth.

6. An act for the benefit of Henry Spence and John H. Hanna.

7. An act allowing an additional justice of the peace and constable to the county of Washington.

8. An act to enlarge the powers of the trustees of the several towns in this Commonwealth; and,

9. An act to incorporate the Hartford Manufacturing Company.

Were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with,

The first was committed to a select committee of Messrs. Cockerill, Muldrow, Faulkner and M. H. Wickliffe; the second to a select committee of Messrs. J. Hughes, Pope, McConnell, Beaty, Woods and M. H. Wickliffe; the third, fourth, fifth and seventh to a select committee of Messrs. A. S. Hughes, White and Gibson; the sixth to a select committee of Messrs. Carneal, Gibson, White and Beaty; the 8th to a select committee of Messrs. Gibson, R. Wickliffe, Daniel and McConnell; and the the ninth to a select committee of Messrs. A. S. Hughes, Crutcher and Stephens.

A bill from the House of Representatives, entitled, an act to authorize the administrators of Dr. Charles M'Creary, deceased, to sell a certain tract of land, was read the first time.

And the question being taken on reading the said bill a second time, it was decided in the negative, and so the said bill was disagreed to.

Ordered, That Mr. McConnell inform the House of Representatives thereof.

An engrossed bill entitled, an act to authorize the Treasurer to exchange the silver in the treasury for Commonwealth's Bank paper, was read the third time.

Mr. Beaty moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Dudley and Beaty, were as follows, to-wit:

YEAS—Messrs. Beaty, Carneal, Cockerill, Selby, White, M. H. Wickliffe and Woods—7.

NAYS—Messrs. C. Allan, C. H. Allen, Cunningham, Daniel,

Daveiss, Dudley, Gibson, Hickman, Locker, Lockett, M'Connell, O'Bannon, Smith, Stephens, R. Wickliffe and Wood--16.

The said bill was then committed to a select committee of Messrs. M'Connell, Daveiss and Dudley.

An engrossed bill entitled, an act to regulate the mode of getting fuel for the General Assembly annually, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be, an act to regulate the mode of getting fuel for the General Assembly and Public Offices.

Ordered, That Mr. Beaty carry the said bill to the House of Representatives and request their concurrence.

Bills from the House of Representatives, entitled,

An act to encourage the publication of a digest of the decisions of the Court of Appeals of Kentucky; and,

An act concerning the vacant lands of this Commonwealth, acquired by warrant north of Walker's line;

Were severally read the second time.

The former was committed to a select committee of Messrs. C. H. Allen, Woods, Daveiss, R. Wickliffe, Carneal and Green.

And the question being taken on reading the latter bill a third time, it was decided in the negative: and so the said bill was disagreed to.

Ordered, That Mr. Beaty inform the House of Representatives thereof.

And then the Senate adjourned.

WEDNESDAY, JANUARY 24, 1827.

The Senate assembled.

A message in writing was received from the Governor, by Mr. Loughborough, assistant secretary.

Mr. Charles H. Allen, from the select committee to whom was referred, a bill from the House of Representatives, entitled, an act to encourage the publication of a digest of the decisions of the Court of Appeals of Kentucky, reported the same with an amendment.

On the motion of Mr. M. H. Wickliffe, the said bill and amendment were laid on the table until the fourth day of July next.

Mr. Cockerill, from the select committee to whom was referred, a bill from the House of Representatives entitled, an act to legalize the proceedings of the Warren county court, and for other purposes, reported the same without amendment.

Ordered, That the said bill be read a third time. It was accordingly read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Cockerill inform the House of Representatives thereof.

Mr. Dudley, from the select committee to whom was referred, an engrossed bill entitled, an act to authorize the Treasurer to exchange the silver in the treasury for Commonwealth's Bank paper, reported the same with an amendment.

Which being twice read, was concurred in.

Ordered, That the said bill be re-engrossed, and again read a third time,

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being re-engrossed;

Resolved, That the said bill do pass, and that the title thereof be, an act to authorize the Treasurer to pay silver from the treasury in certain cases.

Ordered, That Mr. Dudley carry the said bill to the House of Representatives and request their concurrence.

Mr. Faulkner, from the committee of privileges and elections, made the following report, to-wit:

The committee of privileges and elections have, according to order, had under consideration the returns from the Senatorial districts, and report the following gentlemen elected, to-wit:

From the county of Clark, Chilton Allan; from the county of Henry, Charles H. Allen; from the county of Green, James Allen; from the county of Harrison, Peter Barrett; from the counties of Boone and Campbell, Thomas D. Carneal; from the counties of Allen and Warren, and a part of Edmonson, Johnson J. Cockerill; from the counties of Hardin, Bullitt and Meade, and part of Spencer, James Crutcher; from the counties of Montgomery and Estill, Jesse Daniel; from the county of Mercer, Samuel Daviess; from the counties of Lincoln and Rockcastle, John Green; from the counties of Jefferson and Oldham, John Hughes; from the counties of Franklin and Owen, Jephthah Dudley; from the counties of Christian, Todd and Trigg, George L. Locker; from the county of Garrard, John Faulkner; from the counties of Gallatin, Pendleton and Grant, David Gibson; from the counties of Knox, Harlan, Clay, Perry and Whitley, Daniel Garrard; from the counties of Caldwell, Livingston, Calloway, McCracken, Graves and Hickman, Dixon Given; from the county of Bourbon, John L. Hickman; from the county of Madison, Archibald Woods; from the counties of Nicholas and Bracken, Andrew S. Hughes; from the counties of Henderson, Hopkins and Union, Francis Lockett; from the counties of Bath, Floyd, &c. Henry B. Mayo; from the counties of Woodford and Jessamine, Andrew Muldrow; from the counties of Logan and Simpson, Thomas S. Slaughter; from the county of Washington, John Pope; from the counties of Adair and Casey, and part of Russell, Benjamin Selby; from the

county of Scott, Rhodes Smith; from the counties of Breckenridge, Ohio and Daveiss, Robert Stephens; from the county of Mason, James Ward; from the counties of Greenup, Lewis and Laurence, John M. McConnell; from the county of Shelby, and part of Spencer, Samuel W. White; from the county of Fayette, Robert Wickliffe; from the county of Nelson, and a part of Spencer, Martin H. Wickliffe; from the counties of Cumberland and Monroe, and part of Russell, William Wood; from the counties of Butler, Grayson and Muhlenburg, and part of Edmonson, William Cunningham; from the county of Barren, Joel Yancey; and from the counties of Pulaski and Wayne, Martin Beaty.

The committee find the term of service of Chilton Allan, Chas. H. Allen, John Hughes, George Locker, H. B. Mayo, William B. O'Bannon, Robert Stephens, James Ward, and Martin H. Wickliffe, expires the present year.

James Allen, Martin Beaty, James Crutcher, Jephthah Dudley, John Faulkner, Francis Lockett, Benjamin Selby, Rhodes Smith, Joel Yancey, Jesse Daniel, the year 1828.

Thomas D. Carneal, Johnson J. Cockerill, Samuel Daveiss, Daniel Garrard, Dickson Given, John L. Hickman, John Pope, Robert Wickliffe, William Wood, the year 1829.

Peter Barrett, William Cunningham, David Gibson, John Green, Andrew S. Hughes, John M. McConnell, Andrew Muldrow, Thomas S. Slaughter, Samuel W. White, Archibald Woods, 1830.

Mr. Carneal, from the select committee to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Henry Spence and John H. Hanna, reported the same without amendment.

And the question being taken on reading the said bill a third time, it was decided in the negative. And so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Carneal and M. H. Wickliffe, were as follows, to-wit:

YEAS—Messrs. Carneal, Daveiss, Gibson, Given, A. S. Hughes, J. Hughes and Locker—7.

NAYS—Messrs. C. Allan, Barrett, Beaty, Cockerill, Crutcher, Cunningham, Daniel, Dudley, Faulkner, Green, Garrard, Hickman, Lockett, Muldrow, O'Bannon, Pope, Selby, Slaughter, Smith, Stephens, Ward, White, M. H. Wickliffe, R. Wickliffe, Woods and Wood—26.

Mr. Green moved a reconsideration of the said vote.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That the said bill be read a third time.

The third reading having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Carneal inform the House of Representatives thereof.

A message from the House of Representatives by Mr. Owings.

Mr. Speaker: The House of Representatives have adopted a resolution, requesting the President of the United States to call the attention of the British government to slaves which make their escape into the provinces of Canada.

In which they request the concurrence of the Senate.

Mr. A. S. Hughes, from the select committee to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Hartford Manufacturing company, reported the same without amendment.

And the question being taken on reading the said bill a third time, it was decided in the negative. And so the said bill was disagreed to.

Ordered, That Mr. Daveiss inform the House of Representatives thereof.

Mr. A. S. Hughes, from the select committee to whom was referred a bill from the House of Representatives, entitled, an act allowing additional justices of the peace to the county of Grant, reported the same with an amendment.

Which being twice read was concurred in.

Ordered, That the said bill, as amended, be read a third time. The third reading having been dispensed with;

Resolved, That the said bill do pass, and that the title be amended to read, an act authorizing the appointment of additional justices of the peace and constables in certain counties.

Ordered, That Mr. Gibson inform the House of Representatives thereof, and request their concurrence in the said amendments.

Mr. A. S. Hughes, from the select committee to whom was referred bills from the House of Representatives, entitled, an act allowing additional justices of the peace to the county of Ohio, and for other purposes; an act allowing an additional justice of the peace and constable to the county of Washington; an act supplemental to an act allowing additional constables to certain counties in this commonwealth; reported the same without amendments.

Ordered, That the said bills be laid on the table.

Mr. M'Connell, from the select committee to whom was referred a bill from the House of Representatives, entitled, an act to enlarge the powers of the trustees of the several towns in this commonwealth, reported the same with amendments;

Which being twice read, were concurred in.

The said bill, as amended, was read as follows, to-wit:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the several towns in this commonwealth shall be, and they are hereby authorized to lay a tax not exceeding twenty dollars per annum, on all retailers of spirituous liquors or keepers of tippling houses in their respective towns: and to enable them to collect the same, they are hereby authorized to issue their order to any constable of their county, directing him to distrain the goods and chattels of the person upon whom the tax is imposed, who shall refuse to pay the same; by virtue of which order, the officer to whom the same is directed shall be authorized to seize the property of the person against whom it is issued; and after advertising the same according to law, he shall sell the same, or so much as will be sufficient to pay the tax, and pay the same over to the trustees. *Provided however,* That nothing in this act contained, shall be so construed as to authorize any person who shall be taxed under and by virtue of this act, to keep a tavern or sell liquors, without first having obtained a license from the county court, nor shall the trustees be authorized to impose a tax on any person who has a license to keep tavern.

SEC. 2. *Be it further enacted,* That no person shall, hereafter, obtain a license to keep tavern in this Commonwealth, or to renew his or her license, for keeping tavern, without first paying to the clerk of the county court, in which his or her license is granted or renewed, the tax imposed by law for the privilege of keeping tavern for one year: upon the payment of which, the clerk shall furnish the person who is authorized to keep a tavern, a certificate, stating the place at which the applicant is authorized to keep tavern, together with a receipt for the tax, which shall be conclusive evidence of the fact, that such individual is a regularly licensed tavern keeper, within that county. *Provided,* That nothing in this act contained, shall be construed to authorize the sale of any Wine, Brandy, Whiskey, or other spirits, in a less quantity than is now allowed by law.

SEC. 3. *Be it further enacted,* That the clerks of the several county courts, shall pay the money received by them under the provisions of this act, into the public Treasury, at the same time and under the same laws, rules and regulations that they are now required by law, to pay the tax on deeds and other process received by them, in their respective offices;

Be it further enacted, That all taxes by this act collected, shall be paid by the officer collecting the same, to the clerk of the circuit court of the county in which such tax is levied, who shall annually pay the same into the public Treasury, and shall make out and forward to the Auditor, an account of all the monies by him received, in virtue of this act, up to the time of making out such account, in which he shall set forth the several items of such

receipts and from whom received: and shall make oath that the same is correct; and the clerks shall be liable to the same penalties for a violation of this act, as is now provided by law, for failing to pay the taxes on law process, deeds, &c.

Mr. Carneal moved to lay the bill, as amended, on the table until the fourth day of July next;

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'Connell and Carneal, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Daveiss, Green, Given, J. Hughes, Locker, Muldrow, Pope, Selby, Slaughter, Smith, Ward, Woods and Wood—19.

NAYS—Messrs. C. Allan, Crutcher, Daniel, Faulkner, Gibson, Garrard, Hickman, A. S. Hughes, M'Connell, Stephens, White, and M. H. Wickliffe—12.

Messages were received from the House of Representatives, announcing the passage of bills, by that body, of the following titles, to-wit:

An act concerning the Bowlinggreen branch bank, and to reduce the salary of the President of the Commonwealth's bank.

An act to secure actual settlers.

An act to change the time of holding certain courts in the seventh judicial district.

An act for the benefit of Peyton Brown.

An act to allow a fish dam across Salt river at Clark's ripple.

Resolutions from the House of Representatives of the following titles, to-wit:

A resolution concerning the establishment of a mail line between Louisville and New-Orleans, on the Ohio and Mississippi rivers; and,

A resolution concerning the office of the Receiver of public monies for the land district west of the Tennessee river;

Were taken up, severally twice read and concurred in.

Ordered, That Mr. Given inform the House of Representatives thereof.

Bills from the House of Representatives of the following titles, to-wit:

1. An act for the divorce of Pamela Lester.

2. An act for the divorce of Vachel Hobbs.

3. An act to amend an act, entitled, "an act to extend the powers of the trustees of Shippingport," approved the 4th of Dec. 1822, and to increase the powers of said trustees.

4. An act to declare certain streams in this Commonwealth navigable.

5. An act to amend the laws in relation to absent defendants.

6. An act to regulate the appropriation of fines and forfeitures in the county of Mason.

7. An act to establish an election precinct in the county of Henry.

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bills having been dispensed with, and the fifth and seventh being amended;

Resolved, That the said bills do pass and that the title of the seventh be amended by adding thereto, and for other purposes, and that the titles of the others be as aforesaid.

Ordered, That Mr. M. H. Wickliffe inform the House of Representatives thereof, and request their concurrence in the said amendments.

A bill from the House of Representatives, entitled, "an act concerning Idiots and Lunatics;

Was read the first time and laid on the table.

Bills from the House of Representatives of the following titles:

1. An act to establish an additional judicial district and to change the time of holding certain circuit courts.

2. An act for the benefit of Frank Hogg and others.

3. An act for the benefit of James Williamson and Sally Reynolds, and others.

4. An act to change the mode of taking in lists of taxable property; and,

5. An act to authorize the citizens of the county of Oldham to select by vote a permanent seat of justice.

Were severally read the second time; the first and fourth were laid on the table: the fourth until the fourth day of July next.

Ordered, That the 2d, 3d and 5th bills be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the second and third bills having been dispensed with;

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. McConnell inform the House of Representatives thereof.

The yeas and nays being required on the passage of the second bill, by Messrs. Garrard and McConnell, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Cocke-rill, A. S. Hughes, J. Hughes, Locker, Lockett, McConnell, O'Bannon, Selby, Smith, Stephens and White—15.

NAYS—Messrs. Cunningham, Daniel, Dudley, Faulkner, Gibson, Garrard, Given, Muldrow, Ward and Wood—10.

Bills from the House of Representatives, entitled:

An act to establish certain inspections of Tobacco, Hemp and Flour in Pendleton county.

An act for the benefit of the infant children of James Johnson deceased; and,

An act for the benefit of John Todd.

Were severally read the third time, the latter as amended.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Smith inform the House of Representatives thereof, and request their concurrence in the amendments to the latter bill.

An engrossed bill entitled, an act to authorize Christopher Haines and others, to erect mill dams across Big Barren river, was read the third time;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Cockerill, carry the said bill to the House of Representatives and request their concurrence.

A message from the Governor, by Mr. Loughborough:

Mr. Speaker—On the 19th inst. the Governor approved and signed enrolled bills which originated in the Senate, of the following titles, to-wit:

An act concerning certain officers.

An act concerning the town of Carlisle.

An act to authorize the clerk of the Logan county court to have rebound certain record books, and for other purposes.

An act to regulate the ferries on the Tennessee river and part of the Cumberland river.

An act for the benefit of Hay Battaile and others.

An act concerning the public ground in the town of Danville, and for other purposes.

An act for the benefit of Thomas Skaggs.

An act to authorize sundry persons south of Walker's line to register their platts.

On the 22d inst.

An act for the benefit of Obediah Woodrum.

An act to reduce the price of the vacant land between Walker's line and latitude $36^{\circ} 30'$ north, and east of the Tennessee river.

An act for the benefit of Rebecca Huett.

An act for the benefit of Lucy Thomas.

An act to amend the penal laws.

An act to establish an election precinct in the county of Wayne.

An act for the benefit of Margaret A. Tracey.

An act to regulate the militia correspondence of this Commonwealth.

An act for the benefit of Greenswell Williams and others.

An act allowing additional justices of the peace and constables to certain counties.

Resolutions approbatory of the American Colonization society.

An act to incorporate the Maysville and Lexington turnpike road company.

And then he withdrew.

A resolution from the House of Representatives, concerning the jurisdiction of the circuit court of the United States, for the district of Kentucky;

Was twice read as follows, to-wit:

In the House of Representatives, January 19, 1827.

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Representatives be requested to use their best efforts to cause an act to pass that body, modifying the acts of Congress, giving jurisdiction to the circuit courts of the United States, in such a way as to take from the circuit court of the United States, for the District of Kentucky, all jurisdiction, where land is the subject matter of controversy, and where both parties claim title under the laws of Virginia.

Resolved by the authority aforesaid, That the Governor be requested to transmit a copy of the foregoing resolution, to each of our Senators and Representatives in Congress.

Extract, &c.

Attest,

R. S. TODD, C. H. R.

Mr. Pope moved to lay the said resolution on the table;

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Green and A. S. Hughes, were as follows, to-wit:

YEAS—Messrs. J. Allen, Beaty, Carneal, Cockerill, Crutcher, Daniel, Daveiss, Green, Hickman, Muldrow, Pope, Selby, Slaughter, Stephens, White, Woods and Wood—17.

NAYS—Messrs. C. H. Allen, Barrett, Dudley, Gibson, Garrard, A. S. Hughes, J. Hughes, O'Bannon, Smith and Yancey—10.

Bills from the House of Representatives of the following titles, to-wit:

1. An act to authorize the sale of the balance of the town lots in the town of Mayfield.

2. An act to authorize the trustees of the Daveiss county Seminary to sell their land.

3. An act supplemental to an act to establish the Lexington and Maysville turnpike road company.

4. An act to amend the laws relative to the turnpike and wilderness road.

5. An act to change the time of holding certain circuit courts in the seventh judicial district.

6. An act to secure actual settlers.

7. An act for the benefit of Peyton Brown.

8. An act to allow a fish dam across Salt river, at Clark's ripple.

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bills having been dispensed with, and the fourth bill being amended.

Resolved, That the said bills do pass, that the title of the fourth be amended by adding thereto, "and for other purposes," and that the titles of the others be as aforesaid.

Ordered, That Mr. Given inform the House of Representatives thereof, and request their concurrence in the said amendments.

Bills from the House of Representatives of the following titles, to-wit:

1. An act to amend the laws of this Commonwealth concerning bail in certain cases.

2. An act to restrain the sale of offices.

3. An act to exempt surveyors or overseers of public roads from serving on petit juries.

4. An act to prohibit the setting on fire, the woods in this Commonwealth.

5. An act for the benefit of Eliza Smither and others.

Were severally read the first time, and the first and fifth ordered to be read a second time; the second, third and fourth were laid on the table, the third until the fourth day of July next.

A bill from the House of Representatives, entitled:

An act requiring the judge of the ninth judicial district to hold a chancery term for the county of Jessamine.

Was read the third time as amended.

Resolved, That the said bill do pass, and that the title be amended to read, "an act requiring the judge of the ninth judicial district to hold a chancery term for the counties of Jessamine and Mercer.

Ordered, That Mr. Daveiss inform the House of Representatives thereof, and request their concurrence in the said amendments.

A bill from the House of Representatives entitled, "an act to repeal parts of an act approved January 7, 1824, entitled, 'an act to revive and amend the champerty and maintenance laws and more effectually to secure the bona fide occupants of land within this Commonwealth,' was read the first time as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all forfeitures of lands which have accrued to this Commonwealth under the provisions of an act entitled, "an act to revive and amend the champerty and maintenance laws

and more effectually to secure the bona fide occupants of land within this Commonwealth," approved, January 7, 1824, for a failure to improve the same, as is therein required, shall be, and the same are hereby remitted, to the respective proprietors of such lands: *Provided however*, That nothing herein contained shall be so construed as to remit the forfeiture of any tract or parcel of land, to any proprietor so far as the same may interfere with the claim or claims of any person or persons, who were bona fide settlers, actually resident on such land, or improver or cultivator of the same, on the said 7th day of January, 1824, and who have a connected title, in law or equity, deducible from this Commonwealth or the Commonwealth of Virginia.

Mr. Carneal moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Green and Faulkner, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Daniel, Daveiss, Dudley, Gibson, Given, Hickman, A. S. Hughes, J. Hughes, O'Bannon, Selby, Smith, Ward, R. Wickliffe Wood and Yancey—20.

NAYS—Messrs. Crutcher, Faulkner, Green, Garrard, Lockett, Pope, Slaughter, White, M. H. Wickliffe and Woods—10.

A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate, to bills from that house of the following titles, to-wit:

An act for the benefit of the judge of the tenth judicial district.

An act allowing additional justices of the peace to Grant county.

An act to establish an election precinct in the county of Henry.

An act to amend the laws in relation to absent defendants.

An act requiring the judge of the ninth judicial district to hold a chancery term for the county of Jessamine.

An act for the benefit of William Ward of Greenup county.

An act to amend the laws relative to the turnpike and wilderness road; and,

An act for the benefit of John Todd.

And that they had passed bills of the following titles:

An act concerning executions from the Court of Appeals, and for other purposes.

An act for the benefit of Joseph Reynolds.

And a bill which originated in the Senate, entitled, an act for the benefit of Elijah Combs.

A message from the House of Representatives by Mr. Bainbridge.

Mr. Speaker—The House of Representatives have received official information that, on the 19th inst. the Governor approved

and signed enrolled bills which originated in the House of Representatives, entitled:

An act to establish election precincts in certain counties.

An act for the benefit of certain sheriffs of this Commonwealth.

On the 20th inst.

An act regulating the times of performing certain duties in the Auditor's office.

An act to add two additional justices of the peace to the county of Christian, and for other purposes.

On the 22d, inst.

An act more certainly to establish the dividing line between the counties of Shelby and Spencer.

An act to amend an act entitled, "an act to establish a turnpike by the way of Williamsburg, Whitley county," approved, December 9, 1820.

On the 23d inst.

An act to authorize the sale of the lands of Sophia H. Sullivan, and for other purposes.

An act to establish the Cumberland Hospital.

An act providing for opening a state road from the turnpike between Georgetown and Cincinnati, to the river near Lawrenceburg in the state of Indiana.

An act for the benefit of Matthews W. and Henrietta Flournoy and Matilda Dillard.

An act to enable Elizabeth Hall, executrix, and Nimrod Greenwood executor of William Hall deceased, to carry into effect the provisions of said decedent's will.

An act to incorporate Jamestown in Russell county, and for other purposes.

An act for the benefit of Silas M'Bee.

And then he withdrew.

A bill from the House of Representatives, entitled, "an act for the appropriation of money;"

Was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was committed to a committee of the whole house for to-morrow.

An engrossed bill entitled, an act for the benefit of the sheriff of Rockcastle county; was read the third time.

Resolved, That the said bill do pass, and that the title be, an act for the benefit of the sheriff of Rockcastle and other counties.

Ordered, That Mr. Beaty carry the said bill to the House of Representatives and request their concurrence.

A resolution from the House of Representatives, requesting the President of the United States to call the attention of the

British government, to slaves which make their escape into the provinces of Canada;

Was twice read and concurred in.

Ordered, That Mr. Hickman inform the House of Representatives thereof.

A bill from the House of Representatives, entitled, "an act concerning the Bowlinggreen branch bank, and to reduce the salary of the President of the Commonwealth's bank;

Was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with;

Mr. Green moved to lay the said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cockerill and Green, were as follows, to-wit:

YEAS—Messrs. C. Allan, Beaty, Crutcher, Faulkner, Gibson, Green, Garrard, Given, Hickman, A. S. Hughes, Locker, Muldrow, Slaughter, Stephens, White, R. Wickliffe and Woods—17.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Cockerill, Daniel, Daveiss, Dudley, J. Hughes, O'Bannon, Pope, Selby, Smith, M. H. Wickliffe, Wood and Yancey—15.

Mr. Cockerill from the joint committee of enrollments reported, that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled:

An act for the divorce of Vachel Hobbs.

An act for the benefit of the heirs of Robert K. Duvall and of Willoughby Scott.

An act to amend the laws requiring property taken under execution to sell for three fourths of its value, and for other purposes.

An act to amend the law regulating proceedings by petition and summons.

An act for the benefit of the heirs of Johnston Dysart, dec'd.

An act to authorize the county courts to establish inspections of Salt.

An act to establish the town of Vanceburg in Lewis county, and for other purposes.

An act to authorize the insertion of advertisements in the Augusta Herald, and for other purposes.

An act to appoint one additional constable in Todd county.

An act for the benefit of William H. Wood.

An act to erect an election precinct in the county of Woodford.

An act to amend an act, entitled, "an act to provide for the sale of the vacant lands west of the Tennessee river.

An act for the benefit of Thomas Owings.

An act for the benefit of Pamela Lester.

An act appointing trustees to the town of New-Liberty, in the county of Owen.

An act for the benefit of Lewis Rogers, late sheriff of Ohio county.

An act for the benefit of Jonathan Downs, and for other purposes.

An act to authorize the collection of the revenue tax of Mason county, and for other purposes.

An act to authorize the sale of part of the public ground in the town of Perryville, by commissioners.

An act to provide for the improvement of the road leading from Louisa in Lawrence county, by West-Liberty, to the Beaver Iron Works.

An act for the benefit of the devisees of Hugh Emerson, deceased.

An act for the benefit of James Rouse.

An act for the benefit of William F. and Sarah E. Ward.

A message was received from the House of Representatives, announcing that their Speaker had signed the said bills.

Whereupon the Speaker of the Senate signed the same, and they were delivered to the joint committee to be laid before the Governor.

After a short time Mr. Cockerill reported, that the committee had performed that duty.

The amendments proposed by the House of Representatives, to resolutions from the Senate, in relation to an amendment to the constitution of the United States, was twice read as follows, to-wit:

Add to the second resolution the following, to-wit:

Provided however, That nothing in the foregoing resolutions is intended to convey the idea, that the charges of corruption which have been imputed to the present administration, of improper practices in the election of President, at the last election, by Congress, are founded in truth, or are believed by this General Assembly. The General Assembly at the same time, owe it to their republican character, and the vital election principle of this government, which distinguishes it from a monarchy, to declare that all men who are elevated to public stations, in this free government, should emanate from the public will: and that our members in Congress in the last Presidential election were right in voting for Mr. Adams, if their constituents were for him: if their constituents preferred General Jackson, they ought to have voted for General Jackson: The will of the people should be regarded in such elections.

Mr. R. Wickliffe moved to lay the resolutions and amendment on the table;

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Garrard, were as follows, to-wit:

YEAS—Messrs. C. Allan, Beaty, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Given, Hickman, A. S. Hughes, Locker, Muldrow, Stephens, Ward, White, R. Wickliffe, Woods and Wood—19.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Carneal, Cockerill, Daniel, Daveiss, Dudley, J. Hughes, O'Bannon, Pope, Selby, Slaughter, Smith, M. H. Wickliffe and Yancey—16.

Mr. Garrard from the select committee to whom was referred, the nomination of Thomas B. Monroe, as reporter of the decisions of the Court of Appeals, reported, that the committee had addressed a letter to Mr. Monroe, and had received his answer; which were read as follows, to-wit:

Frankfort, January 23, 1827.

THOMAS B. MONROE, Esq.

SIR—On your nomination as reporter of the decisions of the Court of Appeals, being taken up in the Senate, on this day, Robert Wickliffe, a member, in his place, stated to the Senate, that he was informed and believed you were the author of sundry pieces in the Patriot newspaper, to-wit: a piece headed "Patrick Darby" and signed "T;" one headed "Franklin Circuit Court;" one headed "Vindex" and signed "M;" also the pieces headed "Wickliffe and Darby," "Darby and Marshall," "The Treasurer against the People"—of the piece headed "Judge Johnson" and signed "Spectator;" of the piece headed "Spirit of Darby" and signed "J;" of the piece headed the "New Triumvirate;" the piece headed "Darby and Wickliffe co-partners;" and the piece headed "Beauchamp's Trial;" and exhibited them or most of them, to the Senate, as containing matter implicating and charging the said Senator and sundry other persons denominated "*leaders of the old court party*," with being accessory to the murder of the late Col. Solomon P. Sharp, and expressed a desire that the facts should be enquired into by the Senate. The said nomination was, on motion, committed to a committee, with power to send for persons and papers. I am directed by that committee to enquire of you, whether you are the writer of any of the above enumerated pieces, or were concerned in their publication? Your answer to this enquiry is respectfully requested, so soon as your convenience will permit.

Very respectfully, yours, &c.

DANIEL GARRARD.

Frankfort, January 23, 1827.

SIR—I have just been handed your note of to-day, enquiring of me, whether I am the writer of certain newspaper articles,

published in the Patriot. About the same time, a gentleman who was present in the Senate, when the publications were read and commented upon, furnished me with five of the articles in the catalogue, which, he informed me, contained all the matter complained of as calculated to implicate the Senator, namely: the piece headed "Judge Johnson," and signed "R," and followed by another headed "Judicial Supremacy," and signed "Spectator," which, I have no doubt, is the matter referred to, as headed "Judge Johnson" and signed "Spectator," the article headed "a New Triumvirate" and signed "Spectator," the one headed "the Darby and Wickliffe, Co-partnership" signed "T," and the piece headed "Beauchamp's Trial." I am not the writer of these articles, or of any one of them; nor was I in any wise concerned in their publication. I did take two copies of the paper in which they were published. It might be expected of me, under other circumstances, to inform you, whether I wrote the other articles. But I could not do so without looking into the productions themselves, and I have no file of the paper, and it being manifest that the Senator's informant proceeded on error, it is presumed the committee would not be disposed to give either me or themselves farther trouble. I will however, add, that I am not the author of any article, charging or implicating any Senator or other person, being a leader of the old court party, with being accessory to the murder of the late Solomon P. Sharp, or any other person.

Very respectfully, yours &c.

THOMAS B. MONROE.

DANIEL GARRARD, Esq. *Chairman, &c.*

On the motion of Mr. Garrard—*Ordered*, That the said committee be discharged:

And the question being taken on advising and consenting to the appointment of Thomas B. Monroe, as Reporter for the legal term, of the decisions of the Court of Appeals, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garrard and Gibson, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Daniel, Daveiss, Dudley, Green, Given, A. S. Hughes, J. Hughes, Locker, O'Bannon, Pope, Selby, Slaughter, Smith, Stephens, Wood and Yancey—22.

NAYS—Messrs. C. Allan, Crutcher, Cunningham, Faulkner, Gibson, Garrard, Hickman, Lockett, Muldrow, Ward, White, M. H. Wickliffe, R. Wickliffe and Woods—14.

Ordered, That Mr. Dudley inform the Governor thereof.

The report of the select committee on the nomination of Benjamin Hickman, as keeper of the state house and public square, made on the tenth inst. was taken up, twice read and concurred in.

The yeas and nays being required thereon by Messrs. Green and Gibson, were as follows, to-wit:

YEAS—Messrs. C. Allan, Beaty, Carneal, Crutcher, Cunningham, Daniel, Daveiss, Faulkner, Gibson, Green, Garrard, Given, Hickman, A. S. Hughes, Locker, Lockett, M'Connell, Muldrow, Pope, Slaughter, Ward, White, M. H. Wickliffe, R. Wickliffe, Woods and Wood—26.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Cockerill, Dudley, J. Hughes, O'Bannon, Selby, Smith and Yancey—10.

Ordered, That Mr. Dudley inform the Governor thereof.

The message from the Governor, received on the 20th instant, was taken up and read as follows, to-wit:

Gentlemen of the Senate,

James Davidson, Esq. Treasurer elect, for the present year, has offered the following gentlemen as his securities, to wit: John Pope, John Green, John Faulkner, Daniel Garrard, Martin Beaty and Adam Wilson. They are considered by me to be sufficient, and are submitted for your advice and consent.

January 20, 1827.

JOS. DESHA.

Resolved, That the Senate advise and consent thereto.

Ordered, That Mr. Dudley inform the Governor thereof.

The following messages from the Governor were severally taken up and read, to-wit:

Gentlemen of the Senate,

I nominate for your advice and consent, John Walker Semple, to be commissioned Attorney for the Commonwealth in the fifth judicial district, in place of James Guthrie, resigned.

January 20, 1827.

JOS. DESHA.

Gentlemen of the Senate,

I nominate for your advice and consent, John Fletcher, to be commissioned, for the ensuing year, keeper of the gate on the turnpike and wilderness road.

January 12, 1827.

JOS. DESHA.

Gentlemen of the Senate,

I nominate for your advice and consent, William J. Williams, to be commissioned sheriff of Simpson county, in place of Joseph Sloss, who has resigned.

January 18, 1827.

JOS. DESHA.

Gentlemen of the Senate,

I nominate for your advice and consent, John Faulkner, Major General of the second Division, K. M. vice Edmund Baxter, resigned.

John Mannen, Colonel of the 15th Regiment, vice Marshall Key, resigned.

George B. Morton, Lieut. Colonel of the same Regiment, vice John Mannen, if promoted.

John Hunter, Major of the same Regiment, vice George B Morton, if promoted.

Alvin Herndon, Major of the 92d Regiment, vice John Elliott resigned.

Andrew L. Wells, Division Quarter-master of the 1st Division, vice Samuel H. Curd, declined.

Joseph Hughes, Colonel of the 24th Regiment, vice James Elder, promoted.

Isham Clement, Lieut. Colonel of the same Regiment, vice Joseph Hughes, if promoted.

James Cruce, Major of the same Regiment, vice Isham Clement, if promoted.

Achilles Chinn, Lieut. Colonel of the 71st Regiment, vice William Wright, resigned.

Henry T. Gregory, Major of the same Regiment, vice Achilles Chinn, if promoted.

January 19, 1827.

JOS. DESHA.

Gentlemen of the Senate,

I nominate for your advice and consent, Jeremiah Adkins, Colonel of the 89th Regiment, vice George Tye, resigned.

John S. Laughlin, Lieut. Colonel of the same Regiment, vice Jeremiah Adkins, if promoted.

Baker E. Watkins, Major of the same Regiment, vice John S. Laughlin, if promoted.

Joseph C. Bledsoe, Lieut. Colonel of the 75th Regiment, vice Benjamin Tuggle, stricken off into a new Regiment.

Lot Pitman, Major of the same Regiment, vice Leighton Ewell, stricken off into a new Regiment.

Benjamin Tuggle Colonel of the 121st, a new Regiment.

Leighton Ewell, Lieut. Colonel of the same Regiment.

Westley M. Garnett, Major of the same Regiment.

January 23, 1827.

JOS. DESHA.

Resolved, That the Senate advise and consent to the said appointments.

Ordered, That Messrs. J. Hughes and Slaughter inform the Governor thereof.

Mr. J. Hughes from the select committee to whom was referred, the nomination of Richard Fryer, as Major of the first Regiment of the Kentucky Militia, made the following report, to-wit:

Resolved. That the Senate do not advise and consent to the said appointment.

Which being twice read was concurred in.

Ordered, That Mr. J. Hughes inform the Governor thereof.

On the motion of Mr. Garrard—*Ordered,* That a message be sent to the House of Representatives, requesting leave to withdraw the report of the bill from that House, entitled, "an act to

incorporate the Hartford Manufacturing Company, and that Mr. Garrard carry the said message.

A bill from the House of Representatives, entitled, "an act for the benefit of Joseph Reynolds;

Was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, the said bill was amended.

At 7 o'clock P. M. Mr. R. Wickliffe moved that the Senate do now adjourn.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Crutcher and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, Beaty, Carneal, Daweiss, Faulkner, Gibson, Green, Garrard, Lockett, Muldrow, O'Bannon, Pope, Selby, Slaughter, White, R. Wickliffe, Woods, Wood and Yancey—20.

NAYS—Messrs. Cockerill, Crutcher, Daniel, Dudley, Hickman, A. S. Hughes, J. Hughes, M'Connell and Smith—9.

THURSDAY, JANUARY 25, 1827.

The Senate assembled.

Mr. J. Hughes from the select committee to whom was referred a bill from the House of Representatives entitled, an act to increase the powers of the trustees of Louisville, reported the same with an amendment, which was twice read and concurred in.

Ordered, That the said bill be read a third time as amended. The third reading having been dispensed with.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. J. Hughes, inform the House of Representatives thereof, and request their concurrence in the said amendment.

Mr. Garrard from the majority on the vote by which a bill from the House of Representatives, entitled, an act to incorporate the Hartford Manufacturing Company, was disagreed to, moved a reconsideration thereof,

And the question being taken thereon, it was decided in the affirmative.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Garrard inform the House of Representatives thereof.

Leave having been obtained, the following bills were reported, to-wit:

By Mr. Crutcher, a bill for the benefit of Rebecca Atwood.

By Mr. Dudley, a bill supplemental to an act, adding a small part of Henry County to the county of Franklin.

Which were severally received and read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Crutcher carry the said bills to the House of Representatives and request their concurrence.

A bill from the House of Representatives, entitled, an act to authorize the citizens of the county of Oldham, to select by vote, a permanent seat of justice, was read the third time,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. J. Hughes inform the House of Representatives thereof.

Mr. McConnell from the majority on the vote, by which a bill from the House of Representatives entitled, an act for the benefit of Jemimah Duncan and Children, was disagreed to, moved a reconsideration thereof,

And the question being taken thereon, it was decided in the affirmative.

Ordered, That the said bill be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. O'Bannon inform the House of Representatives thereof.

Mr. Beaty from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act to add a part of Preston's enlargement to the town of Louisville," reported the same with an amendment;

Which was twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time.

The third reading having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. J. Hughes inform the House of Representatives thereof, and request their concurrence in the said amendment.

A message was received from the House of Representatives, announcing, that they had passed bills which originated in the Senate, of the following titles to-wit:

An act for the benefit of Samuel South.

An act making an appropriation to defray the expenses of running and marking the chartered line between this state and the state of Tennessee.

An act to authorize the county court of Wayne to appropriate land to open a road in said county.

An act supplemental to an act adding a small part of Henry county to the county of Franklin.

An act for the benefit of Rebecca Atwood.

An act regulating the mode of getting fuel for the General Assembly and public offices; with an amendment to the latter bill.

The said amendment was taken up and twice read as follows, to-wit:

Strike out the "Treasurer for the time being," and insert "Anthony Crockett and Richard Taylor" being the persons appointed to contract for fuel.

And the question being taken on concurring in the said amendment, it was decided in the negative, and so the said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Daniel and Cockerill, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, J. Allen, Cockerill, Daveiss, Dudley, A. S. Hughes, Locker, Pope, Slaughter, Smith and Yancey—11.

NAYS—Messrs. C. Allan, Barrett, Beaty, Carneal, Crutcher, Cunningham, Daniel, Faulkner, Green, Given, Hickman, Lockett, Muldrow, Selby, White, R. Wickliffe and Woods—17.

Ordered, That Mr. Beaty inform the House of Representatives thereof.

The resolutions relative to the Lexington and Maysville turnpike road, laid on the table by Mr. A. S. Hughes on the 20th inst. were taken up, twice read and adopted, as follows, to-wit:

The General Assembly of the Commonwealth of Kentucky, having taken into consideration the importance of internal improvement and in accordance with the wishes of the good people of Kentucky, have passed an act, entitled, an act to incorporate the Maysville and Lexington turnpike road company; by the provisions of which act, the Congress of the United States is permitted and solicited to become a subscriber in the capital stock of the said company, to the amount of one thousand shares, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed and our Representatives requested, to use their best exertions to procure the passage of an act by which some individual shall be author-

ized to subscribe and pay for the stock reserved to the United States by the provisions of the above recited act.

Be it further resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolution, together with a copy of the act therein recited, to each of our Senators and Representatives in the Congress of the United States.

Ordered, That Mr. A. S. Hughes carry the said resolutions to the House of Representatives and request their concurrence therein.

A message was received from the House of Representatives, announcing that they had adopted a resolution appointing a committee to examine and report to the next Legislature, the eligibility of a scite, upon which it is proposed to erect a bridge at the falls of Ohio; and,

A resolution authorizing the trustees of Frankfort to make payment for the repairs on the Methodist Church.

And that they had passed bills of the following titles, to-wit:

An act for the benefit of the jailor of Nelson county; and,

An act concerning head right lands, and also,

A bill concerning executions from the Court of Appeals, and for other purposes.

The said bills were severally taken up and read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bills having been dispensed with;

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Crutcher inform the House of Representatives thereof.

The latter resolution was taken up and twice read as follows, to-wit:

In the House of Representatives, January 25, 1827.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the trustees of the town of Frankfort be, and they are hereby authorized to pay to the persons who, under contract with said trustees, have done work on the Methodist meeting house, in said town, their respective claims, out of the three thousand dollars which was appropriated to said trustees during the last session of the General Assembly; *Provided however*, that nothing herein contained, shall be so construed as to sanction any demand which said trustees or the citizens of said town may, at any time hereafter, prefer against the Legislature for the sum so taken out of said three thousand dollars.

Attest,

R. S. TODD, C. H. R.

And the question being taken on concurring therein, it was decided in the negative, and so the said resolution was disagreed to.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Garrard, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, Barrett, Crutcher, Daveiss, Dudley, J. Hughes, O'Bannon, Pope, M. H. Wickliffe, Wood and Yancey—11.

NAYS—Messrs. J. Allen, Beaty, Carneal, Cockerill, Daniel, Faulkner, Gibson, Garrard, Given, Locker, Lockett, M'Connell, Muldrow, Ward, White and R. Wickliffe—15.

Ordered, That Mr. Dudley inform the House of Representatives thereof.

The Senate according to the standing order of the day, resolved itself into a committee of the whole house, on the state of the Commonwealth. Mr. Faulkner in the chair—after some time spent in committee, Mr. Speaker resumed the chair, and Mr. Faulkner reported that the committee had, according to order, had under consideration a bill from the House of Representatives, entitled, "an act for the appropriation of money," and had gone through the same, and made sundry amendments thereto, which he handed in at the clerks table;

And said amendments were severally twice read and a part thereof concurred in.

The fourth amendment was read as follows, to-wit:

To Edmund H. Taylor for his services as clerk of the bank of the Commonwealth, under an order of the board of directors, from the first day of January to the fifth day of May last, \$275, to be paid by the President and Directors, out of the funds of the bank.

And the question being taken on concurring therein, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Daniel and Cunningham, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, Beaty, Cunningham, Daveiss, Dudley, Gibson, Green, Garrard, Given, Hickman, J. Hughes, Lockett, Muldrow, Pope, Slaughter, Smith, White, R. Wickliffe and Yancey—20.

NAYS—Messrs. J. Allen, Barrett, Cockerill, Daniel, Faulkner, A. S. Hughes, O'Bannon, Selby, M. H. Wickliffe and Wood—10.

The second amendment was read as follows, to-wit:

Strike out the allowance to Richard Rudd of twenty-five dollars, for his services as Commonwealth's attorney, at the last August term of the Bullitt circuit court, under a protem appointment by the court.

And the question being taken on concurring therein, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pope and Cockerill, were as follows, to-wit:

YEAS—Messrs. J. Allen, Barrett, Cockerill, Daniel, Dudley, Faulkner, Gibson, A. S. Hughes, O'Bannon, Selby, Smith, White, M. H. Wickliffe, R. Wickliffe and Wood—16.

NAYS—Messrs. C. Allan, C. H. Allen, Cunningham, Daveiss, Green, Garrard, Given, Hickman, J. Hughes, Muldrow, Pope and Yancey—12.

The following amendment was read as follows, to-wit:

To the Register for his extra services for the year 1826, five hundred dollars, in addition to his annual salary.

And the question being taken on concurring therein, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Daniel and R. Wickliffe, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Crutcher, Dudley, Faulkner, Gibson, Green, Garrard, Given, Hickman, A. S. Hughes, J. Hughes, Locker, Lockett, Muldrow, O'Bannon, Pope, Slaughter, Smith, White, M. H. Wickliffe, R. Wickliffe Wood and Yancey—28.

NAYS—Messrs. Cunningham, Daniel, Daveiss and Selby—4.

Mr. Daveiss moved to strike out the allowance to the Auditor of Public Accounts, of five hundred dollars, for extraordinary services performed by him during the last year.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daniel and Carneal were as follows, to-wit:

YEAS—Messrs. C. H. Allen, Cockerill, Cunningham, Daniel, Daveiss and Selby—6.

NAYS—Messrs. C. Allan, J. Allen, Barrett, Beaty, Carneal, Dudley, Faulkner, Gibson, Green, Garrard, Given, Hickman, A. S. Hughes, J. Hughes, Locker, Lockett, O'Bannon, Pope, Slaughter, Smith, White, R. Wickliffe and Yancey—23.

Ordered, That the said bill, as amended, be read a third time to day. The third reading having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Daveiss inform the House of Representatives thereof, and request their concurrence in the said amendments.

Messages were received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate, to bills from that house, of the following titles, viz:

An act to increase the powers of the trustees of Louisville;

And an act to add a part of Preston's enlargement to the town of Louisville.

And that they concur in the following resolutions, to-wit:

A resolution relative to the execution laws of the United States; and,

Resolutions relative to the Maysville and Lexington turnpike road.

And that they insist on their amendment to a bill from the Senate, entitled, an act to regulate the mode of getting fuel for the General Assembly and public offices.

On the motion of Mr. Carneal—*Ordered*, That the said bill and amendment be laid on the table until the first day of June next.

A bill from the House of Representatives, entitled, "an act for the benefit of Joseph Reynolds," with the amendments thereto were taken up.

Mr. R. Wickliffe moved to lay the same on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Carneal, were as follows, to-wit:

YEAS—Messrs. C. Allan, J. Allen, Barrett, Cunningham, Faulkner, Gibson, Given, Hickman, Lockett, Muldrow, White and R. Wickliffe—12.

NAYS—Messrs. C. H. Allen, Beaty, Carneal, Crutcher, Daniel, Daveiss, Green, A. S. Hughes, J. Hughes, Locker, Pope, Selby, Slaughter, Smith and Yancey—15.

Mr. R. Wickliffe then moved to lay the said bill and amendments on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Gibson, were as follows, to-wit:

YEAS—Messrs. C. Allan, C. H. Allen, J. Allen, Cunningham, Faulkner, Gibson, Green, Given, Hickman, Lockett, Selby, White, R. Wickliffe, Woods and Yancey—15.

NAYS—Messrs. Beaty, Carneal, Crutcher, Daniel, Daveiss, Dudley, A. S. Hughes, J. Hughes, Locker, Muldrow, Pope, Slaughter and Smith—13.

Mr. A. S. Hughes from the committee to whom was referred, so much of the Governors message as relates to the encroachments of the Federal Judiciary, made the following report, viz:

The committee to whom was referred, so much of the Governors message as relates to the encroachments of the Federal Judiciary, have had that subject under consideration, and herewith report the following preamble and resolutions, which they recommend to be adopted, to-wit:

The General Assembly, at its sessions in the year 1823 and 1824, remonstrated to the Congress of the United States, against

the principles attempted to be established, by a minority of the Supreme Court, in the case of Green and Biddle, vacating the occupant laws of Kentucky; both of which remonstrances have been transmitted by the Executive, to our Senators and Representatives in Congress. Notwithstanding which, it does not appear that our Representatives have been successful, in obtaining a decision of the Congress, upon this all important subject; and at this time, it would seem superfluous to add any thing to those remonstrances, for the purpose of further vindicating the justice, policy and necessity of the course which the General Assembly have heretofore pursued, in maintaining the undoubted rights of the state, and their constituents; It must be admitted by all, that the citizens of Kentucky have, with patience, suffered many wrongs and injuries, which have their foundation, in the doctrines maintained by the court, in the case of Green and Biddle, as well as the doctrines contained in the subsequent decisions of the circuit court for the district of Kentucky, touching the limitation and occupant laws of this state. Although it might seem unnecessary, to invite and urge the further attention of Congress to this subject, yet your committee do believe, that Kentucky has the right to look to Congress and ask protection, against future sufferings and degradations. Your committee are of opinion, that the occupying claimant laws, attempted to be vacated by the court, violated no principle, either of constitutional or moral law, and are entirely consistent with the compact with Virginia. Your committee view the decision alluded to, as unconstitutional and erroneous, and one which ought not to be acquiesced in by the people; and that every peaceable means should be resorted to by this state, to avert its ruinous consequences.

Your committee would further remark, that they do view with the deepest concern, the attempt by the supreme court of the United States, in the case of Wayman and Clarke, against Southard and Star, to establish the principles, under the authority of which, the federal court, for the district of Kentucky has framed "Rules concerning executions and the mode of proceeding under them." Whatever name the court may please to give to its "Rules," the people can consider it nothing more nor less, than judicial legislation, by which a system of laws are enacted, affecting their persons and property, in a mode and to an extent to which they never have assented, in their state or federal legislature.

Your committee would further report, that at the last May Term of the United States circuit court, for the district of Kentucky, in the case of Willings heirs vs. Thomas and others, in ejectment, the said circuit court, (Honorable Robt. Trimble sole judge,) gave a decision, by which the occupant law of 1825, was disregarded, and an important limitation law of this state declar-

ed null and void—the act alluded to, is the act of 1814, which places non-residents on an equal footing with citizens of this state, (See digest of Kentucky statutes, page 866,) from which decision it does appear to your committee, that there is not, at this time, remaining on the statute book of this state, a single line of law for the protection of the honest occupant, and cultivator of the earth.

Your committee have read, with some degree of satisfaction, a recent decision of Judge Trimble, in the case of Kincannon vs. Owings, by which it would seem, that there is a *strong* disposition in the federal court, to *retrace its steps*, and give force and constitutional effect to the statutes, which, it was believed had been declared unconstitutional, by previous decisions of the supreme court. But by an attentive examination of that decision, it will be found to contain doctrines dangerous to the peace and quietness of the citizens of this state—doctrines inconsistent with themselves, which cannot be maintained and supported by a resort to sound principles.

Your committee would not wish to be understood, as casting any reflections upon the honor and integrity of the Honorable Robert Trimble, as nothing of the kind is intended, they have no doubt of his honesty and devotion to his country; they have no doubt but that he thought he was consistent and right in his opinions, and that he was discharging his official duty, in strict obedience to the opinions and commands of the supreme court; but your committee do concur with a large portion of the good people of Kentucky, in asserting the inconsistency of the judge, and of differing in opinion with him.

Your committee decline, for the present, a lengthy discussion of the federal matters hinted at in this report, and will conclude by recommending the following resolutions:

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the occupant laws of Kentucky; together with the limitation laws, are constitutional, and ought to be maintained by the people of this state, and that no occupant ought to be turned out of possession of his house and his home, without first receiving an adequate compensation for his improvements.

Resolved, That our Representatives in Congress be requested and our Senators be instructed, once more to urge upon the attention of Congress, the subject of the remonstrances against the decisions of the supreme court of the United States, annulling the occupant and limitation laws of this state, and that they employ their best efforts to obtain the passage of acts of Congress, in conformity to the propositions in said remonstrance contained.

Resolved, That it is the deliberate opinion of this General Assembly, that the rights and interests of a large portion of the citizens of this state are deeply involved in the doctrines attempt-

ed to be established in the cases of Wayman and Clarke against Southard and Star; Green vs. Biddle; and Willing's heirs against Thomas and others; and while this state would not be willing to throw her weight in an individual contest, of ordinary character—yet, at the same time, in a case that involves the power of a state, to enact its own laws, it is but right that the representatives of a free people should, with becoming firmness, assert the constitutional sovereignty of their state, and repel encroachments without any sort of regard to the quarter from whence they came.

Resolved, That the case of Willing's heirs against Thomas and others, in ejectment, ought to be taken to the supreme court, upon a writ of error, and that the Governor be, and he is hereby requested to employ able counsel, on the part of this state, to take up and manage the said cause; in the supreme court and that the Governor be authorized to give a contingent fee of one thousand dollars, in case the opinion of the circuit court is reversed, and the occupant and limitation laws of this state are sustained.

Resolved, That the Governor be requested to transmit a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

ANDREW S. HUGHES, *Chairman*.

Mr. Daveiss moved the following resolution, to-wit:

Resolved by the Senate, That Mr. L. Batchelor, door keeper of this house, procure neat frames for the likenesses of the venerable John Adams and Thomas Jefferson, which have been presented to this house by Mr. Joseph Wolfe, and that said Batchelor take care of the same for the use of the Senate.

Which was twice read and adopted.

On motion—*Ordered*, That the committee appointed to examine the Auditor's office be discharged from that duty.

A message from the Governor, by Mr. Loughborough:

Mr. Speaker—I am directed by the Governor to lay before the Senate, two messages in writing.

And then he withdrew.

One of the said messages was taken up, the rule having been dispensed with, and read as follows, to-wit:

Gentlemen of the Senate,

I nominate for your advice and consent, William Hamilton, to be commissioned Colonel of the 47th Regiment, vice Benjamin T. Thornton, resigned.

Allen Trigg Lieut. Colonel of the same Regiment, vice William Hamilton, if promoted.

Charles Ewell, assistant judge in and for M'Cracken county, in place of John M'Elza, resigned.

January 25, 1827.

JOS. DESHA.

Resolved, That the Senate advise and consent to the said appointments.

Ordered, That Mr. Given inform the Governor thereof.

A message from the House of Representatives by Mr. Cunningham.

Mr. Speaker—The House of Representatives concur in all the amendments, except the second and third, proposed by the Senate to a bill from that house, entitled, "an act for the appropriation of money," with the following amendment to their fourth amendment, "and to James C. Blair \$600, for his services as a clerk employed in the Louisville branch bank for the year 1826;" and they disagree to the said second and third amendments.

And then he withdrew.

The said bill and amendments were taken up.

Resolved, That the Senate recede from their second amendment.

Mr. R. Wickliffe moved that the Senate recede from so much of their third amendment as proposes to strike out of the bill these words, "To the Adjutant General for office rent during the last year, fifty dollars."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daveiss and Daniel, were as follows, to-wit:

YEAS—Messrs. Beaty, Muldrow and White—3.

NAYS—Messrs. C. H. Allen, J. Allen, Cockerill, Crutcher, Cunningham, Daniel, Daveiss, Dudley, Gibson, Green, Garrard, J. Hughes, O'Bannon, Pope, Smith, M. H. Wickliffe and Yancey—17.

Resolved, That the Senate insist on their third amendment.

The question was then taken on concurring in the amendment proposed by the House of Representatives, upon concurring in the said fourth amendment, and it was decided in the negative, and so the said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Crutcher and Yancey, were as follows, to-wit:

YEAS—Messrs. C. H. Allen, Daveiss, Dudley, Green, J. Hughes, Locker, Muldrow, Pope, White, M. H. Wickliffe and Yancey—11.

NAYS—Messrs. J. Allen, Beaty, Cockerill, Crutcher, Cunningham, Daniel, Faulkner, Gibson, Garrard, Hickman, Lockett, McConnell, O'Bannon, Smith, R. Wickliffe and Wood—16.

Ordered, That Mr. Daveiss inform the House of Representatives thereof.

Mr. McConnell moved to lay all the unfinished business on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Daviess and Cunningham, were as follows, to-wit:

YEAS—Messrs. C. Allan, Beaty, Carneal, Crutcher, Cunningham, Faulkner, Gibson, Green, Garrard, Hickman, Locker, Lockett, M'Connell, Muldrow, O'Bannon, Ward, White, R. Wickliffe and Woods—19.

NAYS—Messrs. C. H. Allen, J. Allen, Barrett, Daniel, Daviess, Dudley, Given, A. S. Hughes, J. Hughes, Pope, Selby, Slaughter, Smith, M. H. Wickliffe, Wood and Yancey—16.

Mr. Daviess from the joint committee appointed to examine the bank of the Commonwealth of Kentucky, made the following report, to-wit:

The joint committee to whom was referred the examination of the bank of the Commonwealth of Kentucky; having discharged the duties assigned them, beg leave to submit the following report:

We find the amount of stock to be \$423,218 63 cents: The literary fund \$140,917 44 cents: Notes payable to the institution \$2,070,414 6 cents: The net profits of the last year, ending the 10th of October, 1826, \$48,641 26 cents: Individual deposits \$155,428 35 cents: Legislative deposits, or notes withdrawn from circulation and boxed up \$422,212 16 cents: Notes under discount \$232,770 83 cents: In suit \$383,238 5 cents: Real estate \$32,397 87 cents: Debts due to other banks \$279,478 26 cents: Debts due from other banks \$293,305 92 cents.

The two last items are composed of debts due from the parent to the branches, and from the branches to the parent bank. Your committee are not apprised that this institution is indebted to any other, nor are there other institutions indebted to it. The general expenses of the institution for the last year, amounted to \$28,081 9 cents. The Treasury to meet its demands during the last year, was compelled to call on the resources of the state in the bank, during which time there was drawn from the bank \$54,121 95 cents, over and above its deposits; all of which was returned on the 1st October, except the amount of \$18,826 85 cents: this was the balance against the Treasury on that day; since which time, that amount has been extinguished, and the balance on the 1st of January, 1827, on deposit, in favor of the Treasury, amounted to \$44,055 44 cents. We find on deposit in the mother bank, on the 15th instant \$1190 of eastern notes, \$681 25 cents, notes of the bank of Kentucky; \$3653 27 cents specie and notes of the bank of the United States; \$1,011 569 38 cents, notes of the mother bank and branches, now on hand.

It is here proper to remark, that the estimates are taken from

the returns made by the branches, on the 1st October, 1826, no returns having been made since that period, exhibit (A) will shew the amount the parent bank and each of her branches, contributed to form the aggregate here given.

Your committee before they proceed farther, think it due to candor to state, they did not strictly conform to the order of the General Assembly, in counting all the money in the vaults of the bank. To have done this, would have protracted their labors to a period beyond the time they hope to see this session protracted. Early after their creation, they directed the officers of the bank to count and pack up in bundles, one hundred notes of each denomination, with labels on each bundle, shewing the amount it contained. This requisition was complied with by the officers as soon as the tattered condition of the small notes and tickets would permit. After this was done, your committee drew from the packages, ten bundles each, and counted three bundles out of every ten, and on finding them correct, they then assumed the fact, that that class of notes as counted by the officers, contained a fair estimate of the amount of that description of paper; counting each denomination in this way, the committee was enabled to ascertain the entire amount of cash on hand to be on that day \$1,017,093 90 cents.

The attention of your committee was then called to the amount of paper thrown into circulation by the institution, which they find was \$2,943,620 5 cents. The annual reduction of that sum may be fairly computed at \$320,000. On the 1st of October last, the amount in circulation had been reduced from \$2,943,620 5 cents, to \$1,111,531 12 1-2 cents: This amount has been reduced from the 1st of October, 1826, to the 1st of January, 1827, say \$80,000, which left in circulation on that day \$1,031,531 12 1-2 cents: During the present year, from calls and the receipts of stock, it is calculated the latter sum will be reduced 320,000; which will leave in circulation on the 1st of January, 1828, 711,531 12 cents: The amount of debts due from individuals on the 1st of January, 1827, was \$1,547,008 68 cents. This amount, it is calculated, will be reduced during the present year, by call, at least \$260,000: The receipts of this amount will leave yet due and owing from individuals, on the 1st of January, 1828, \$1,287,008 68 cents: whilst there will be only in circulation of the notes of the bank of the Commonwealth and branches, to pay that sum, \$711,531 12 cents, leaving the debtors of the institution to pay in specie for Commonwealth's paper borrowed \$575,477 56 cents. In making this estimate, no attention has been paid to the probable amount of insolvencies, having no data on which to base a certain calculation, they thought it most prudent not to hazard a conjecture. The liabilities, so far as your

committee have been informed, are generally well secured, the sums are small, and to each liability three signatures are required; which repels the idea that the bank can possibly sustain ultimately any very considerable loss, should only ordinary care and attention be exerted by her officers.

Exhibit (B) shews the situation of the bank up to the 5th of January, 1827. Table (C) shews the number and amount of each denomination of notes now on hand, not boxed and sealed up. The 6 1-4, 12 1-2, 25 and 50 cent tickets amount to \$ most of which are so worn and mutilated as to be unfit for circulation. Out of the 20,000 one dollar notes, something like a tenth are in the same situation. Threes and fives are less tattered, and so as you rise in denomination, those of large amounts have not undergone the same mutation in their circulation, as those of less value. In passing on, your committee feel restrained to remark, that in many instances the list of general expenditures, have been burthened with improper and unnecessary items. In making this remark, they do not intend to cast any reflections on the officers of the bank, nor do they intend to stop to make an enumeration of the improper expenditures. The General Assembly have had the lists of expenditures of each branch before them since nearly the commencement of the session, and have no doubt perused them. Those lists furnish a complete account of the various items, which your committee think extravagant. The parent bank has been well managed. From some of the branches your committee have heard complaints; whether they are well or ill founded, they have had no means of judging beyond the reports made to the mother bank. Should the branches be continued, your committee would think it advisable that the President should be required to visit the branches once a year, for the purpose of examining minutely their situation. Should this regulation be complied with, he will then have it in his power to give to the General Assembly at each session, a more minute and exact account of the situation of the institution. Your committee had presented to them the petition of the officer of the branch at Louisville, praying that a compensation might be allowed to Mr. Blair, their former clerk, who they continued in office during the last year. From the statements of the petitioner, your committee were convinced, from the great press of business at that branch, the officers acted correctly in continuing Mr. Blair. They would therefore recommend that a resolution be adopted by this General Assembly, authorizing the branch at Louisville to pay to him the sum of six hundred dollars, as a compensation for his services. Until after the appointment of Mr. Waggener, as President, the mother bank continued Mr. Edmund Taylor, as second clerk, a period of months. For that time.

they were also of opinion Mr. Taylor should be paid the sum of \$275.

SAML. DAVEISS, *Ch. S.*
WM. B. BOOKER, *Ch. H. R.*
THOS. S. SLAUGHTER,
ALEXANDER LACKEY,
ZACHARIAH TAYLOR,
DANIEL J. STEPHENS.

Which was received, read and laid on the table.

A message from the House of Representatives by Mr. Blackburn.

Mr. Speaker—The House of Representatives recede from their disagreement to the third amendment proposed by the Senate to a bill from that house, entitled, "an act for the appropriation of money," and they recede from the amendment proposed by them upon concurring in the fourth amendment proposed by the Senate to the said bill. And then he withdrew.

Mr. Cockerill from the joint committee of enrollments reported, that the committee had examined enrolled bills and resolutions of the following titles: and had found the same truly enrolled, to-wit: An act for the benefit of Thomas Owings.

An act concerning the receiver of the public money for vacant lands west of the Tennessee river.

An act to erect an election precinct in the county of Woodford.

An act to change the time of holding certain courts in the seventh judicial district.

An act for the benefit of Peyton Brown.

An act for the benefit of William H. Wood.

An act to authorize the appointment of one additional constable in Todd county.

An act to allow a fish dam across Salt river at Clark's ripple.

An act to authorize the sale of the balance of the lots in the town of Mayfield.

An act for the benefit of John Todd.

An act to extend the powers of the trustees of Lexington and Germantown.

An act to incorporate the Hartford Manufacturing Company.

An act concerning executions from the Court of Appeals, and for other purposes.

An act for the benefit of the infant children of James Johnson, deceased.

An act to secure actual settlers.

An act supplemental to an act establishing the Lexington and Maysville turnpike road company.

An act for the benefit of the judge of the tenth judicial district.

An act for the benefit of Eli Huston.

An act to legalize the proceedings of the Warren county court and for other purposes.

An act to appropriate fines and forfeitures in the county of Mason.

An act to establish certain inspections of Tobacco, Hemp and Flour in Pendleton county.

An act to authorize the trustees of the Daveiss county Seminary to sell their land.

An act for the benefit of Frank Hogg and others.

An act for the benefit of Henry Spence and John H. Hanna.

An act to declare certain streams in this Commonwealth, navigable.

An act for the benefit of James Williamson and Sally Reynolds and others.

An act for the divorce of Pamela Lester.

An act to establish an election precinct in the county of Henry.

An act to amend the laws in relation to absent defendants.

An act to increase the powers of the trustees of Louisville.

An act for the benefit of Jemimah Duncan and children.

An act to authorize the citizens of the county of Oldham to select by vote a permanent seat of justice.

An act requiring the judge of the ninth judicial district to hold a chancery term for the counties of Jessamine and Mercer.

An act authorizing the appointment of additional justices of the peace and constables to certain counties.

An act to add a part of Preston's enlargement to the town of Louisville.

An act for the benefit of the Jailor of Nelson county.

An act concerning head right lands.

An act for the appropriation of money.

A resolution relative to the Maysville and Lexington turnpike road.

A resolution requesting the president of the United States to call the attention of the British government to the subject of slaves who make their escape into the provinces of Canada.

Resolutions relative to the execution laws of the United States.

A resolution concerning the office of receiver of public monies for the land district west of the Tennessee river.

A resolution concerning the establishment of a mail line between Louisville and New-Orleans on the Ohio and Mississippi rivers.

A resolution relative to the law books belonging to the Commonwealth.

An act for the benefit of Elijah Combs.

An act for the benefit of the sheriff of Rockcastle and other counties.

An act for the benefit of Nicholas Seminary and to establish Wilson Seminary at the Lower Blue Licks.

An act to amend "an act establishing the town of Covington," approved, December 14, 1825.

An act making an appropriation to defray the expenses of running and marking the chartered line between this state and the state of Tennessee.

An act for the benefit of Samuel South.

An act to authorize the county court of Wayne to appropriate land to open a road in said county.

An act for the benefit of Rebecca Atwood.

An act supplemental to an act adding a small part of Henry county to the county of Franklin.

A message was received from the House of Representatives, announcing that their Speaker had signed the said bills and resolutions.

Whereupon the Speaker of the Senate signed the same, and they were delivered to the joint committee to be laid before the Governor.

After a short time Mr. Cockerill reported, that the committee had performed that duty.

A message from the Governor by Mr. Loughborough, assistant secretary.

Mr. Speaker—I am directed by the Governor to inform the Senate that the Governor yesterday approved and signed enrolled bills, which originated in the Senate, entitled:

An act for the benefit of Eleanor and Julia Harrison, and others. An act to establish a Warehouse on the land of Price Roach on Green river, and to establish an inspection of Tobacco at the mouth of Big Sandy, on the land of Horatio Catlett. An act to legalize the proceedings of the county court of Mason. An act for opening a road from Cynthiana to Maysville. An act to authorize the trustees of the town of Glasgow to sell certain streets and alleys in said town. An act to establish an Academy in Russell county. An act concerning the Allen Seminary. An act to alter the time of holding certain circuit and county courts. An act for the benefit of John McLaughlin. An act concerning Idiots. An act for the benefit of Simon Kenton. And on this day.

An act making appropriation to defray the expenses of running and marking the chartered line between this state, and the state of Tennessee. An act for the benefit of Samuel South. An act for the benefit of the Nicholas Seminary, and to establish Wilson Seminary at the Lower Blue Licks. An act for the benefit of Elijah Combs. An act for the benefit of the sheriff of Rockcastle and other counties. An act to amend "an act establishing the town of Covington," approved December 14, 1825. An act supplemental to the act adding a part of Henry to the county of Franklin. An act for the benefit of Rebecca Atwood. An act to authorize the county court of Wayne to appropriate land to open a road in said county. Resolutions relative to the Maysville and Lexington turnpike road. Resolutions relative to the execution

laws of the United States. A resolution relative to the books belonging to the Commonwealth. And then he withdrew.

Ordered, That Mr. Daveiss inform the House of Representatives thereof.

A message from the House of Representatives by Mr. Bainbridge.

Mr. Speaker—The House of Representatives have received official information that the Governor has approved and signed the enrolled bills and resolutions which originated in that house, that have been signed by the Speakers of both houses to-day.

And then he withdrew.

On the motion of Mr. Daveiss—*Ordered*, That a message be sent to the House of Representatives, informing that body, that the Senate having finished the legislative business before them, is now ready to close the present session of the General Assembly, by an adjournment on their part without day, and that Mr. Daveiss carry the said message.

A message from the House of Representatives by Mr. Booker.

Mr. Speaker—The House of Representatives having finished the legislative business before them, I am instructed to inform the Senate, that they are now ready to close the present session of the General Assembly by an adjournment without day, and that they have appointed a committee of six on their part, to meet such committee as may be appointed on the part of the Senate; to wait on the Governor, and inform him of the intended adjournment of the General Assembly, and to know whether he has any further communications to make. And then he withdrew.

Whereupon Messrs. Pope, Crutcher and Beaty were appointed a committee on the part of the Senate.

Ordered, That Mr. Daveiss inform the House of Representatives thereof.

The Speaker having retired, Mr. J. Allen was called to the chair, when the following resolution was offered by Mr. Pope, read, and *unanimously* adopted, to-wit:

Resolved, That the Honorable Robert B. M'Affee merits the respect and thanks of the Senate, for his able, liberal and impartial discharge of the duties of the chair, during the present session.

The Speaker having resumed the chair; Mr. Pope from the joint committee appointed to wait on the Governor, reported, that the committee had discharged the duty assigned them, and were informed by the Governor, in reply, that he has no farther communications to make, and congratulates the two houses on the termination of their labors.

Whereupon, the Speaker having delivered a suitable valedictory address, adjourned the Senate without day.